



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Robert Steinback

Case K15-41	Case Name: Oliver Gilbert	<u>Date Open:</u>	<u>Date Closed:</u>
Complainant(s):	Subject(s):	7/13/15	CASE CLOSED

Allegation(s):

Date: 2/8/18

Anonymous complainant alleged that Oliver Gilbert III, Mayor of Miami Gardens, deliberately submitted a falsified insurance claim for a City-owned vehicle he routinely operated; specifically, alleging that someone else was operating the car at the time it was damaged, and not Gilbert, as Gilbert stated in the insurance claim document.

Relevant Ordinances:

Miami-Dade County Home Rule Charter, Citizens' Bill of Rights: Truth in Government, Section (A)2.

Investigation

Interviews

Cameron Benson, Miami Gardens City Manager

A COE investigator spoke with Benson on Sept. 11, 2015, in the office, regarding this case generally and a public records request specifically.

Benson said the city assigns cars by department, not by individual. Individuals sign out cars in order to use them. Benson said the City Clerk's office is the department that would cover cars used by the mayor or commissioners.

Benson said he doesn't believe there is a resolution that gives authorization for cars used by elected officials. He said he is pretty sure all city cars are handled through Fleet/Public Works people.

Benson said the Fleet Manager is David Motola. Benson said the fleet manager tracks mileage of cars. Benson said there is no city-owned gas depot, but that city vehicles are fueled using gas cards used at area gas stations.

Benson said he did not know why Gilbert was at the Galleria Mall on the day of the reported accident. Benson said he was "pretty sure" the mayor would not have had to provide or specify a reason for needing a city car. Benson said he didn't know if Gilbert owns his own vehicle.

David Motola, Fleet Manager, interviewed by telephone on Monday Sept. 28, 2015.

Motola said that the mayor has signed for 5 cars. He says the one that the mayor "smacked up" was a Suburban. Motola said the 2014-2015 budget had no money appropriated for cars, but money was added to buy a Suburban.

Carlo Hollis Brown — Wednesday 10/7/15

Brown said there are two types of cards in circulation, fuel cards and purchase cards. The latter come from Bank of America. The former through a company called Wright Express. She said purchases go up a supervisor chain of command for approvals. There is both an electronic form and a paper form that must be filled out for purchases. The internal filing is the P-card (other goes through Wright)

All expenses eventually run through Finance dept. They must reconcile credit card charges, Brown said. A monthly e-mail report is filed.

Fuel is run through state contract with Wright Express, now known as WEX. The company provides fuel cards for all vehicles, she said.

Brown said the procurement department and HR issue PIN numbers. "We were told [by] the old HR director that we are not to share PIN numbers." Brown said her department can only pull up her own department's fuel usage. She said Motola, her boss, sends a report to each department indicating if there are discrepancies.

Brown said that of the four units assigned to the elected officials division, only one has mileage that can be accounted for by fuel receipts. "We know the vehicles are being operated. How often and how much, [we don't know.]"

Denise Williams – interviewed by telephone November 10, 2015

Williams said she left the city because "they were making life difficult for me," not because she necessarily wanted to go. Williams said she left Miami Gardens just three months ago. She had served the city for 11 years as controller and, lastly, grants administrator.

Williams mentioned damage to the vehicle the Mayor was driving which occurred when he wasn't in town. She said she knows exactly who to ask about documenting where he was but she didn't know where Gilbert was.

Pamila Thompson – Wednesday, March 30, 2016 – at SAO office speaking with Devon Helfmeyer and John Marinelli.

Thompson was procurement director for Miami Gardens for over 10 years, starting in 2004 (city was created in 2003). She has retired but still works part time for FIU as an associate director for procurement. She was hired by Danny Crew.

The credit card policy was implemented shortly after she started. The policy applied to every department. The city "piggybacked" on the Fort Lauderdale contract with SunTrust. About 2-3 years before Thompson left the city, a switch was made to Bank of America (piggybacking off the State of Florida contract), because the city wanted to use the P-card for construction purchases, and B of A offered a better rate.

Thompson said she "pretty much" wrote the policies, though she mostly cut and pasted from other cities' policies. When Patricia Varney started around 2010, she made a few changes.

Thompson said she opted to retire because things "were getting bad." She considered the city "a hostile environment." She was not considered a "team player," when she would insist on things being put in writing.

The deterioration in the environment coincided with Gilbert becoming mayor. The previous City Manager, Danny Crew was forced out a few months later, maybe two months before his intended retirement.

The limit on P-card purchases depended on each person. For purchases over the limit, Thompson could make spot approvals of temporary increases. Denise Williams also could approve this. Later, Patricia Varney had that authority, and Annetta Kamyczek temporarily

had authority when Thompson was out, although Thompson doesn't believe she ever used it.

Every department got statements showing all purchases that lacked receipts, so every director could see them. Also, if Thompson spotted something odd, Annette would notify the employee.

When Gilbert came into office, he stopped the sending of notifications to council members or the mayor. All transactions were supposed to be reviewed. A list would be sent out of all transactions that hadn't been approved and for which there was no backup.

The list for the Commissioners and Mayor would be sent to the City Manager. Thompson said the City Manager changed the policy for the Commission and Mayor, but not in writing. She said she was simply called into his office and told of the change. Thompson said that the word to change the policy "just came down" that the City Commissioners didn't need to have the P-card policy explained to them, although they did sign the policies statement. Thompson was told they didn't have to sign.

Thompson said it was "common knowledge" that his assistant Sandra Pierre-Paul wrecked his car while he was out of town. She drove the car regularly. The car simply ended up in the city garage, then when the mayor came back he filed the report.

Ronetta Taylor, City Clerk, 2/12/16

Regarding the car allegedly damaged by the Mayor, Taylor said it was in the city garage for a week. She identified Sandra Pierre-Paul as a close friend of the mayor's for 15-20 years. "He trusts her explicitly." Taylor said that for a while Pierre-Paul was driving his car while he drove the city vehicle. Then there was some falling out, and Pierre-Paul gave his personal car back to him. It was a Charger with New Jersey plates on it; she was told it was a City of Miami Gardens undercover car.

Taylor said the City Manager gave the Mayor access to all offices, even the Clerk's files.

Taylor said the Commission adopted a budget that moved a number of positions out from under the Clerk, her position.

Sandra Pierre-Paul was interviewed by ASA Devin Helfmeyer, SAO Investigator Marinelli and a COE Investigator. Pierre-Paul emphatically denied driving the automobile that Gilbert says he damaged. Pierre-Paul testified that on the day of the accident, which she said was October 3, 2014, Gilbert called her and asked that she cover a meeting he was supposed to have with Elric Prince, a principal of Finga Licking Chicken of Miami Gardens. She also denied that her relationship with Gilbert was anything other than professional.

Marinelli, working with the Miami-Dade State Attorney's office, informed the COE on August 16, 2017, that the SAO closed its case after receiving cell phone "ping" data appearing to show that Gilbert was, in fact, in the vicinity of the Galleria Mall at the time of the accident. The SAO Closeout Report observed that the cell phone "ping" data put Gilbert at the Galleria Mall on October 2, 2014, not October 3. The SAO concluded that either Gilbert or Miami Gardens

Police Sgt. Norris erred when reporting the date of the accident. The report was filed on October 7, 2014. The SAO closed the case for lack of evidence that anyone other than Gilbert was driving the car.

After discussion with the Ethics Commission Advocate it was determined that this matter would be closed with no further action.

Document/Audio/Video Review:

- Copy of Incident/Investigation Report dated 10/7/2015, 16:30 hours, reporting accident On 10/3/2014, 12:30 hours. Report taken by Officer W. Norris. Location of the accident given as 2414 East Sunrise Boulevard, Fort Lauderdale FL 33304, which is the address of the Galleria Mall. Narrative identified Gilbert as the operator of the vehicle. It states further that Gilbert struck a pole while backing up, causing \$3,000 damage to the car.
- Internal memos detailing provision of a new replacement car for Gilbert.
- An appraisal of the damage to the vehicle conducted by The Doan Group. Full damage estimate, parts and labor, \$3,304.97.
- With the cooperation of the State Attorney's Office, this office gathered bank records from the Bank of America for the Mayor and Commissioners of Miami Gardens from June 2013 to October 2015. Of relevance: The documents do not show any purchases from Oliver Gilbert on Oct. 3, 2014.

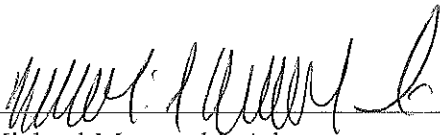
Conclusion

After discussion with the Ethics Commission Advocate it was determined that this matter would be closed with no further action, based on the conclusion of the SAO that it is likely that Gilbert was, in fact, in the vicinity of the accident when it occurred.

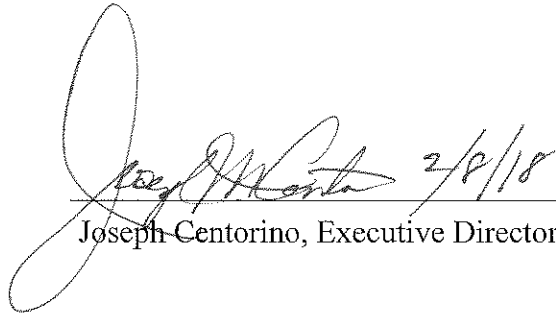
The findings of the investigation leave little doubt that the city needs to tighten its procedures for the use of city vehicles.



Robert Steinback, COE Investigator



Michael Murawski, Advocate



Joseph Centorino, Executive Director