



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Karl Ross

Case: PI 16-041	Case Name: Evelyn Ferrer	Date Open:	Date Closed:
Complainant(s): Candice Doe	Subject(s): Nadine Lewis-Sevilla, HR director, City of North Miami Beach, FL	Sept. 2, 2016	

**CASE
CLOSED**

Date: 1/10/2012

Allegation(s):

A former North Miami Beach employee, Candice Doe (actual name, not a pseudonym), stated in an email to COE that the city's HR Director Nadine Lewis-Sevilla exploited her official position by using City resources for personal business and accepting free meals and gifts from vendors – in particular the City's insurance broker, Brown & Brown of Florida.

The email dated Sept. 1, 2016, alleged Ms. Lewis-Sevilla behaved in a "fiscally irresponsible" manner, spending City funds on "personal items at her home such as computers, hot spots and keyboards" and "to pay for ... lunches and dinners that are not business related." Doe further alleged Lewis-Sevilla claimed to be working from home but would, in fact, "steal time."

Ms. Doe also claimed that Lewis-Sevilla used her influence to circumvent the city's normal bidding process and award the brokerage contract to Brown & Brown.

Relevant Ordinances:

Miami-Dade County Code, Sec. 2-11.1(g), titled *Exploitation of official position prohibited*, stating in applicable part that no person ... "shall use or attempt to use his official position to secure special privileges or exemptions for himself or others ..."

Sec. 2-11.1, further holds in subsection (e)(3), titled *Gifts*, that "a person ... shall neither solicit nor demand any gift" in connection with an official action or duty and, furthermore, that all gifts having a value in excess of \$100 shall be disclosed in accordance with Chapter 112, Florida Statutes.

Investigation:

Interviews

Pamela Latimore, City Clerk

North Miami Beach, FL

Nov. 7, 2016

A public records request was personally delivered to City Clerk Latimore on the above-referenced date. During the process, Ms. Latimore advised that she was familiar with the allegations against Ms. Lewis-Sevilla raised by a former employee.

Ms. Latimore said that during a recent city commission meeting, elected officials authorized the city manager to hire outside legal counsel to investigate the allegations raised by the former employee. She indicated she would provide COE with a copy of the minutes from that meeting, along with any available information about the firm retained by the city.

Jose Smith, City Attorney

City of North Miami Beach, FL

Jan. 5, 2017

Mr. Smith provided COE a copy of the investigative findings produced by the West Palm Beach law firm of Schwarzberg & Associates, led by Steven Schwarzberg. He said the city was interested in determining whether any "liability issues" existed as a result of Ms. Doe's allegations and her subsequent departure from city service.

The final report was dated Dec. 5, 2016, and examined a number of allegations into alleged misconduct by the now former HR Director, Nadine Lewis Sevilla.

Mr. Smith said the inquiry began in September, shortly after City Manager Ana Garcia received a September 6 email from the complainant, a former HR employee named Candice Doe. He noted that Doe filed the complaint shortly after resigning from city service.

Smith stated that shortly after the inquiry began, Ms. Lewis-Sevilla was placed on paid leave, and that she was eventually terminated from her position as HR director. He said she was fired not so much because of any findings of wrongdoing, as many of the more serious claims made against her in the email could not be substantiated. He said she was fired, instead, because of her management style and inappropriate remarks, saying she was "a bad fit."

With respect to allegations Lewis-Sevilla corruptly awarded an insurance contract to Brown & Brown, a major U.S.-based insurance broker, Smith said there was no evidence to substantiate this allegation. He said the inquiry found no evidence of improper dealings with Brown & Brown or its employees. He said that City staff reviewed the contract award and found it to be "appropriately procured." It was awarded through a piggy-back method, he said.

Document/Audio/Video Review:

A copy of the investigation by Schwarzberg & Associates was reviewed, including transcripts of 11 interviews with current and former City of North Miami Beach officials. The inquiry also included a written response to the original allegations by Lewis-Sevilla (Exhibit "B"), as well as a copy of Ms. Doe's email to the City Manager (Exhibit "A").

Exhibit "D" of the above-referenced investigation is titled "Summary of Interview Comments" and details critical remarks about Ms. Lewis-Sevilla by staff. The composite reveals a number of alleged personality flaws characterizing the former HR director as "sarcastic, selfish and having a poor attitude towards employees and staff." The document also raises questions about her work habits, management style and overall professionalism (or lack thereof).

The investigation also contains an Exhibit "F" titled "Ms. Doe's unsubstantiated claims." These include allegations that Lewis-Sevilla frequently drank wine during her lunch hours, including meals with a Brown & Brown representative; that Lewis-Sevilla misused a city purchasing card and wasted money on lavish renovations to the office; that Lewis-Sevilla had an inappropriate and possibly corrupt relationship with a Brown & Brown employee; that Lewis-Sevilla had treated the complainant unfairly and was "plotting" her termination.

Conclusion(s):

The above-referenced investigation debunked many of the more serious allegations against Ms. Lewis-Sevilla – in particular, that she corruptly steered an insurance contract to a broker in exchange for unspecified personal gain. Upon questioning, Ms. Doe acknowledged that she had no direct knowledge or other potential evidence to support this allegation.

It should further be noted that senior management reviewed the procurement process (a so-called "piggyback" award off a state contract) and did not find anything inappropriate. City Attorney Smith noted that Brown & Brown is one of the largest insurance brokers in the industry, and that the firm was well-suited to handle the city's insurance needs.

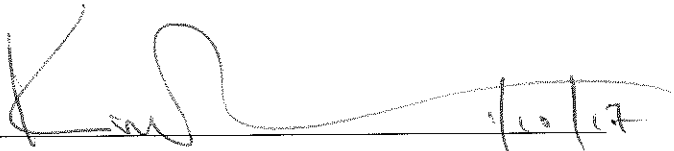
What the investigation by outside counsel did produce was ample evidence of irregularities relating to personnel issues that are beyond the scope of COE's jurisdiction. While there was some evidence of possible abuse by Lewis-Sevilla – long lunches, working from home, etc. – it would not seem worth pursuing at this point given her subsequent termination.

It should also be noted that, at the same time, the investigation found: "Many complaints made


by Ms. Doe were based on speculation, assumptions and appearances of impropriety and were not substantiated. ... The investigation did not conclude there was misuse of the P-Card, misuse of funds, on the job drinking, or financial irregularities.”

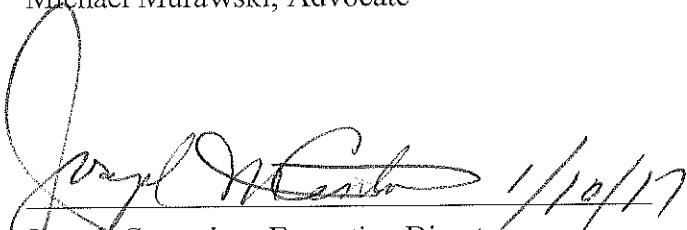
The investigation concluded by stating: “Simply put, Ms. Lewis-Sevilla was not a good fit in her position as Director of the Human Resources Department.”

In light of the foregoing, this preliminary inquiry should be closed without further action.


Karl Ross, COE Investigator

Approved by:


Michael Murawski, Advocate


Joseph Centorino, Executive Director 1/10/17