



Miami-Dade Commission on Ethics & Public Trust
Report of Inquiry

Investigator: Breno Penichet

Case: PI17-04	Case Name: Possible Exploitation of official Position & recommendation of vendor services by MDC Employee.	<u>Date Opened:</u> 01/9/17	CASE CLOSED
Complainant(s): Chris Kelly	Subject(s): Frank Gomez	<u>Date Closed:</u> Date: 2/23/17	

Allegation(s):

On January 4, 2017 the COE received on the Ethics Commission Facebook page, an inquiry from a Mr. Chris Kelly (Kelly), requesting to know if it was acceptable for Miami-Dade County employees to endorse County vendors on You Tube?

Kelly provided the following link, https://m.youtube.com/watch?v=P_H2MDn-ihg to a YouTube video, in which the county employee discussed how the equipment purchased from John Deere, was just what was needed in the Solid Waste Department.

The COE initiated an inquiry to determine whether the employee had permission from his supervisor, and was not receiving any payment.

Relevant Law:

Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1, subsection (g) *Prohibition on exploitation of official position*, & Sec. 2-11.1 subsection (p) *Prohibition on Recommending professional services*. Miami-Dade Conflict of Interest and Code of Ethics Ordinance.

Investigation:

Interviews:

Ms. **Rhonda Victor Sibilía** (Sibilía), Communications Director COE reviewed the video. Sibilía advised that at that time, the link was functional to a YouTube video in which the county employee discussed how the equipment purchased by MDC from John Deere was just what was needed in the Solid Waste Department.

Sibilía further advised the video was very professionally produced, which she assumed was used for marketing. Sibilía advised she could not find anything like it on the John Deere website. Sibilía advised COE investigator Penichet the name of the employee on the video may be Frank Gomez.

A review of Gomez's personnel file does not show a pattern of abuse, or any disciplinary issues. In fact, a review of the last two (2) evaluations show an above-average employee conducting himself in a professional manner, and working to make his Department a better place.

It appears that Gomez is a respected member of his trade, and has the confidence and respect of his superiors.

Note: COE Investigator Penichet was unable to review the video due to the fact it was removed.

Mr. Frank Gomez
Director of Landfills
Solid Waste Management Department

Mr. Frank Gomez (Gomez), DSWM, voluntarily agreed to meet with COE investigators Penichet, in order to provide information regarding this investigation. After being advised of the allegations, Gomez advised that not only were his superiors aware that he (Gomez) was working this project, Gomez advised that the request was approved by all levels.

Gomez also advised that he discussed the matter with his Director who authorized the project to go forward as long as it was approved by Deputy Mayor Alina Hudak. Gomez advised that all the preparation was also done through the PIO Ms. Gayle Love. He did not receive any compensation from John Deere for doing the promotional video.

Gomez further stated that he never agreed to have the video placed on You Tube, it was his understanding the interview was part of a campaign called "Miami Nice"

Mr. Michael Fernandez
Assistant Director for waste stations
Solid Waste Management Department

Mr. Michael Fernandez (Fernandez), DSWM, voluntarily agreed to be telephonically

interviewed by COE investigator Penichet, in order to provide information regarding this investigation. After being advised of the allegations, Fernandez advised that he gave permission to Gomez to proceed with the project and to have him (Gomez) provide him (Fernandez) with the preliminary rough draft so he could pass it on to Ms. Gayle Love from the office of Public Information and Outreach. According to Fernandez, that was done and he passed it up the chain with his approval.

Fernandez advised that, not only was he aware that he (Gomez) was working on the project, Fernandez approved the request and forwarded it to the other members of the management team for their review and final approval.

Ms. Gayle Love
Senior Division Director
Public Information & Outreach Division Officer
Solid Waste Management Department

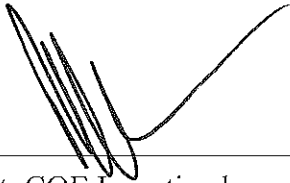
Ms. **Gayle R. Love (Love)**, DSWM, voluntarily agreed to be telephonically interviewed by COE investigator Penichet, in order to provide information regarding this investigation. After being advised of the allegations, Love advised that she reviewed all the drafts and was in charge of all the press releases, and the final copy of the articles. Love further stated the Deputy Mayor Hudak gave final approval for the project. Love gave Gomez the final go ahead to proceed with the project. According to Love all parties were well informed. Love provided copies of all the E-mails.

Document/Audio/Video Review:

1. Original E-mail from the John Deere staff requesting to interview Frank Gomez for the Article in trade magazine (DIRT). Dated February 11, 2016.
2. A series of E-mails to different staff members of the DSWM along with other administrative documents.
3. Memorandum by MDC Staff reference the role to be played our employee expert.
4. Copies of the original Miscellaneous E-mails showing how this information came to the COE, and from whom.

Conclusion:

After discussion with Ethics Commission Advocate Michael Murawski, it was determined that Gomez did not violate any portions of the ethics code, accordingly, this matter should be closed with no further action.

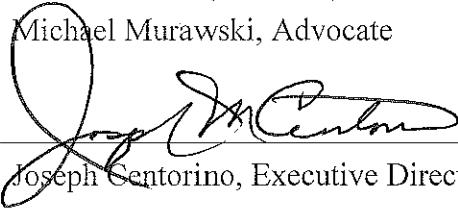


Breno Penichet, COE Investigador

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director

Date: 2/23/17