



Miami-Dade Commission on Ethics & Public Trust

Report of Inquiry

Investigator: Sylvia Batista

Case: K 18-62(CB) MOP	Case Name: Charles Dinkins,	<u>Date Open:</u>	<u>Date Closed:</u>
Complainant(s): Office of the Inspector General,	Subject(s): Outside Employment Activities Conducted on County Time.	01/03/19	CASE CLOSED

Allegation(s):

Date: 2/25/19

The Office of the Inspector General (OIG) provided its final report of the subject investigation to the COE for evaluation of any matters under COE's jurisdiction. The matter involves a former Miami-Dade County employee, Charles Dinkins (Dinkins). Dinkins was an Administrative Officer 3 with DTPW until he retired on 04/30/18 during the OIG investigation. Dinkins began his career with the County on 08/01/83.

The OIG initiated the subject investigation based on the concerns of an Assistant Director with the Miami-Dade County, Office of Management and Budget, Office of Grants Coordination. The Assistant Director alleged that Dinkins was in violation of the County's anti-lobbying policies for lobbying the County for grant funds for Hosanna Community Foundation, Inc. (HCF), a non-profit Community Based Organization operated by Dinkins. Dinkins is the President of HCF, and the Pastor, President and Registered Agent of Hosanna Community Baptist Church (HCBC).

The second concern investigated by the OIG was whether Dinkins was conducting personal business or outside employment during his regular County work schedule. A third concern involved the issue of whether Dinkins had received approvals for his outside employment by obtaining annually-required Request for Outside Employment and whether he filed the corresponding Outside Employment Statements.

Relevant Law under the COE’s Jurisdiction:

The Conflict of Interest and Code of Ethics Ordinance (the “Ethics Code”):

Sec. 2-11.1(s)(1)(b):

As used in this section, “Lobbyist” means all persons, firms, or corporation employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee. “Lobbyist” specifically includes the principal, as well as any employee whose normal scope of employment includes lobbying activities.

Excluded from the definition of “lobbyist” is, “... any person who only appears as a representative of a not-for-profit community-based organization for requesting a grant without special compensation or reimbursement for the appearance...”

Sec. 2-11.1(k)(2):

All full-time County employees engaged in any outside employment for any person, firm, corporation or entity other than Miami-Dade County, or any of its agencies or instrumentalities, shall file, under oath, an annual report indicating the source of the outside employment, the nature of the work being done pursuant to same and any amount or types of money or other consideration received by the employee from said outside employment. Said County employee’s reports shall be filed with the Supervisor of Elections no later than 12:00 noon on July 1st of each year, including the July 1st following the last year that person held such employment.

Summary:

The OIG investigation concluded as follows:

Although Dinkins lobbied for a grant on behalf of HCF, the Code specifically excludes from the definition of lobbyist, “any person who only appears as a representative of a not-for-profit community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance.” For this reason, Dinkins is excluded from the lobbying provision and not required to register as a lobbyist when requesting a grant.

The second concern investigated by the OIG was the allegation that Dinkins had been

conducting outside employment activities on County time. After its review of records and interviews of County personnel, the OIG concluded that Dinkins was absent from his work station a total of 568.82 unauthorized hours for the period reviewed of 01/09/17 through 02/02/18. Dinkins stated in his interview that he was conducting personal business, including outside employment related activities. The OIG concluded that this allegation is substantiated. However, the COE does not have jurisdiction over this issue.

Lastly, the OIG's investigation uncovered that Dinkins did not obtain the annually-required authorizations for outside employment as the President, Pastor and CEO of HCBC and HCF for the years 2006, 2007, 2008, 2012, 2014 and 2017. Nor did Dinkins file the annual Outside Employment Statements for the years 2007, 2008, 2011, 2013, 2015, and 2017.

The final report was provided by the OIG to DTPW, Dinkins' former employing department, for its determination of any action they might take.

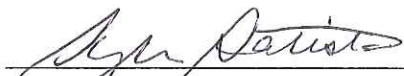
COE contacted Dinkins and obtained compliance with the filing of outstanding Outside Employment Statements for 2015, 2017 and 2018.

Conclusion:

Charles Dinkins filed executed Outside Employment Statements for the years that he was missing putting him in full compliance of the requirement. For this reason, this matter can be closed with no further action.

The fact that Dinkins engaged in his outside employment while on County time is a personnel issue that should have been addressed at the time by County Administration, however, since Dinkins is retired and no longer a county employee, this issue is moot.

(Signature)


Sylvia Batista, COE Investigator

Approved by:


Michael Murawski, Advocate

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