



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Karl Ross

Case: K18-063	Case Name: Joseph Kelley church allegation	<u>Date Open:</u>	<u>Date Closed:</u>
Complainant(s):	Subject(s): Comm. Joseph Kelley	Dec. 3, 2018	CASE CLOSED

Allegation(s):

Date: 12/24/18

It was alleged in a Nov. 14, 2018, memo written by then City Manager Yvette Harrell that “[a]t least one member of the sitting Commission has used their position and influence to require Public Works staff to perform tasks that are not related to their City responsibilities. Simply stated, at least one member has required Staff to perform tasks for private citizens during their City work day. Staff acknowledges they knew they were performing tasks they were not supposed to, but feared being retaliated against if they refused.” The memo was addressed to the City’s elected officials, City Attorney and the State Oversight Board.

Relevant Ordinances:

The Miami-Dade County Conflict of Interest and Code of Ethics ordinance states, in Subsection (g) titled *Exploitation of official position prohibited*, that: “No person ... shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others except as may be specifically permitted by other ordinances or resolutions ...”

Investigation:

Interviews

On Nov. 30, 2018, this investigator met with then City Manager Yvette Harrell at city hall regarding a memo she discussed with COE Executive Director Jose Arrojo detailing possible violations of the Miami-Dade ethics code. She printed out a copy of the memo. The memo had three numbered items of possible misconduct by City officials.

The memo was provided to COE director Jose Arrojo, who then requested an inquiry into the first of the numbered items – relating to work done at the church of Commissioner Joseph Kelley.

On Dec. 11, COE sent an email to Comm. Kelley requesting he contact COE to schedule an interview regarding the allegation about City workers providing maintenance service at his church. Comm. Kelley is the pastor of the Holy Temple Missionary Baptist Church. The church is located at 2341 NW 143rd Street, next to Segal Park, a City property. Comm. Kelley replied that day and left his phone number.

Joseph Kelley, commissioner
City of Opa-locka, FL
Dec. 12, 2018

Comm. Kelley expressed that after “many, many years in office,” he knew better than to ask a City employee to do anything for his church. He did say that the only thing he could think of that might explain the allegation was an email request he made to former City Manager Newall Daughtrey – since re-hired – several months back to cut some trees from an adjacent city-owned property, Segal Park. Kelley said overgrown trees “were scratching the cars” of his parishioners and they had complained about the branches damaging their vehicles.

Comm. Kelley said he would look for the emails and forward them to COE. He noted that he made his request through the city manager as allowed by the charter. He reiterated that he is aware of the restrictions in the charter and ethics code and would not have made a request to a city employee for any services of a personal nature, either for himself or his church.

Later that day, Comm. Kelley provided a copy of an email dated Aug. 7, 2018, from himself to Manager Daughtrey regarding the trees at Segal Park. It reads as follows: “Following up on a request for alleyway cutting behind Segal Park near the Helen Miller Center and tree maintenance for the trees and shrubbery along the fence(d) driveway entrance ...”

King Leonard, superintendent of building maintenance
City of Opa-locka, FL
Dec. 14, 2018

Mr. Leonard advised that he was part of a work crew sent to cut back tree branches extending from Segal Park to the Holy Temple Missionary Baptist Church. He said that he went there on orders of City Manager Daughtrey. “I got a call from the city manager and he told us to go there and cut back the trees ... We didn’t do anything more than that.”

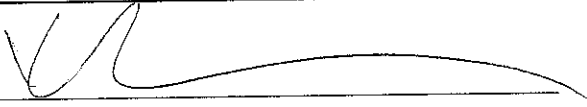
Asked how this could have generated a complaint, Mr. Leonard speculated that it may have appeared unusual that a city Public Works crew was mobilized at Comm. Kelley's church. He stated that the work was limited to cutting the branches extending over the property line.

Document/Audio/Video Review:

A copy of the email dated Aug. 7, 2018, from Comm. Kelley to Manager Daughtrey regarding "the trees and shrubbery along the fence(d) driveway entrance" was added to the file.

Conclusion(s):

Based on the foregoing, it does not appear that a violation of the Miami-Dade ethics code or Opa-locka City Charter occurred insomuch as the work performed in the vicinity of Comm. Kelley's church was a result of overgrown trees on city property. Moreover, there is no evidence to suggest that Comm. Kelley exploited his official position, he is permitted to make legitimate requests through the city manager. Accordingly, this matter is closed with no further action.

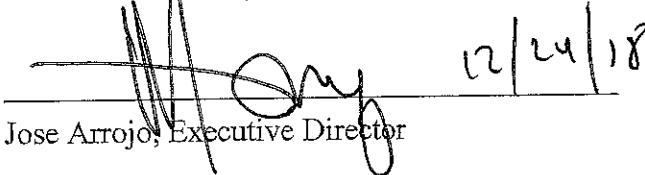


Karl Ross, COE Investigator

Approved by:



Michael Murawski, Advocate



Jose Arrojo, Executive Director