



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

Investigator: Sylvia Batista

Case: PI18-024	Case Name: Cathy Swanson- Rivenbark,	<u>Date Opened:</u>	<u>Closed</u>
Complainant(s): Maria C. Cruz,	Subject(s):	05/21/18	CASE CLOSED

Date: 7/13/18

Allegation(s):

Maria Cruz (Cruz), an activist in the City of Coral Gables and the Chairperson of the city's Anti-Crime Committee, came to the COE on 06/08/18 to inform of, what she believed to be, possible ethics violations allegedly committed by Coral Gables City Manager, Cathy Swanson-Rivenbark (Swanson).

Cruz explained that Swanson used to be the City Manager for the City of Hollywood. When she left Hollywood she brought Frank Fernandez (Fernandez), who was the Assistant City Manager of Public Safety in Hollywood, to the City of Coral Gables where he now holds the position of Assistant City Manager and Director of Public Safety. Before Fernandez was placed in that position, Swanson tried to sway the City Commission to replace the Chief of Police, Ed Hudak, with Fernandez, but the City refused to do so.

Cruz explained that Coral Gables hired Swanson after their former manager, who was not properly vetted, was quickly removed from the position.

Shortly after Swanson was hired by the City, it was discovered that she was being investigated by the City of Hollywood. She promised her new employers that she would be cleared, but she was not. The City did not want to remove Swanson because it would damage the City's image, according to Cruz.

Migdalia Mejia (Ruiz):

Cruz said that at the City Commission meeting of 05/05/17, Swanson lied during the discussion of Migdalia Mejia (Ruiz), a ten-year vested employee of the Finance Department who stole \$78,000 from the City. Swanson attributed the flawed hiring of Ruiz, a career fraudster, to the fact that no background check had been done when she was hired. This statement, Cruz contends, was proven to be false when a copy of Ruiz's background report was mysteriously left at Cruz's front door.

Cruz explained that the money stolen by Ruiz were payments from residents for permits and for false alarm events. Ruiz would steal the checks and deposit them into her personal account.

Cruz said that when she got the copy of Ruiz's personnel file which she requested from the City, she found a form signed by Ruiz giving consent to the background check, however, no report was there. According to Cruz, the background check had in fact been done, but Swanson claimed it was not done as an excuse to support the idea that the City needed to implement a better process to do background checks by hiring more investigators to work with Fernandez in his position as Assistant Manager and Director of Public Safety.

Cruz said she went to the City Attorney who at the time was Craig Leen and gave him a copy of Ruiz's background check. She told him, "this is the background check that was never done." Leen sent it to the HR director to look into the matter.

Cruz said that Swanson also lied to the Commission by stating that the crime committed by Ruiz predates her tenure with the City which began in December of 2014. Cruz said that Ruiz had in fact committed the crime after Swanson was appointed City Manager.

Fixing Frank Fernandez's background check so he would be hired by the City as Chief of Police:

According to Cruz, Swanson wanted Fernandez to be police chief. She tried to vet him by requesting a background check from the International Association of Chiefs of Police (IACP). In order to help Fernandez, her long-time friend, Swanson gave specific instructions to J. Scott Walters, who was the investigator hired by IACP, to refrain from interviewing the Broward PBA or Jeff Marano, individually, as it would hold no credibility or value in her decision making.

Upon seeing the e-mail from Swanson setting the boundaries of the investigation, Kim Kohlhepp, Assistant Director of IACP, told Elsa Jaramillo Velez of HR, that he is the contact person on matters concerning the investigation, and that he would not comply with Swanson's request in any way. Swanson did not want Marano to be interviewed because she felt that Marano is biased against Fernandez and would not provide truthful information. Cruz said that the investigation came back with no mention of Marano, and Fernandez was hired. Swanson gave the directive to J. Scott Walters by e-mail dated 05/02/15. (Note that even if this was an ethics violation, it occurred more than three years ago and is thus beyond the COE's statute of limitations.)

Swanson's hiring of Stan Adkins:

Cruz said that Swanson hired a public relations consultant, Stan Adkins (Adkins), to manage the negative press which had damaged her image and exposed her questionable judgment. However, it was reported in a recent Miami Herald article that at the June 2018 Coral Gables Commission meeting Swanson was reprimanded by Commissioner Vince Lago for her hiring of Stan Adkins to help with her own public image problems. Swanson is said to have put Adkins on retainer to help with her media issues without consulting the City's elected officials. It is further reported in the article that records obtained by the Miami Herald suggest that a large part of Adkins's job since 2015 has been managing Swanson's professional crises at the City of Coral Gables and the City of Hollywood. Commissioner Mike Mena added that there has to be a line between what is best for the City and what is best for Swanson. Mena said that he did not oppose hiring Adkins, but opposed how his services had been used by Swanson.

The article explained that Swanson has hired Adkins several times. The first time was in August 2015 when Swanson was accused by residents of diminishing the authority of Chief Hudak when she filled the position of Assistant City Manager for public safety with Fernandez.

Swanson consulted Adkins again after it was revealed that she had intervened in the background check process for Fernandez's hiring in 2015. Swanson is said to have contacted Adkins again when a 2016 inspector general report said she and other Hollywood officials violated city ordinances, policies and procedures when they routed nearly \$1 million of public money to pay police department temporary employees which she had hired to work for the City of Hollywood. Lastly, Swanson contacted Adkins in May 2018 after the Sun Sentinel wrote that Swanson negotiated what Hollywood Commissioner Peter Hernandez referred to as a \$28 million giveaway of taxpayer money to a private construction company to build the Margaritaville Hotel. (Note that the COE has no jurisdiction over anything that might have happened in the City of Hollywood.)

At the June 2018 meeting Lago sponsored an agenda item to discuss Swanson's "pattern of exercising poor judgment." Lago added that he thinks "anybody's job is on thin ice if you are lacking transparency and not putting citizens' needs at the forefront." Swanson's contracts with Adkins are just under the \$50,000 threshold that would require commission approval.

Relevant Laws:

The Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1(g) Exploitation of official position prohibited.

No person included in the terms defined in Subsections (b) (1) through (6) and (b) (13) shall use of attempt to use his or her official position to secure special privileges or exemptions for himself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.

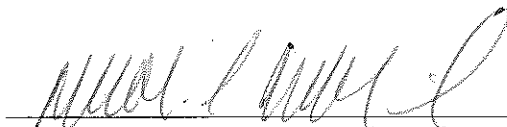
Conclusion:

After discussion with the Ethics Commission Advocate, it was determined that this matter would be closed with no further action. Some of the matters Ms. Cruz complained of are beyond the COE's statute of limitations and others occurred in Broward County. The issues with Ms. Swanson-Rivenbark appear to be job performance related and are best handled by the City Commission who can terminate her employment at any time.

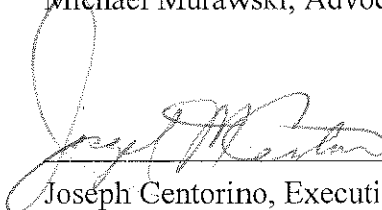

Sylvia Batista, COE Investigator

Date: 7/17/18

Approved by:


Michael Murawski, Advocate

Date: 7/16/18


Joseph Centorino, Executive Director

Date: 7/13/18