



CASE CLOSED

Miami-Dade Commission on Ethics & Public Trust Date: 11-12-19

Investigative Report

Investigator: Karl Ross
Complainant(s):
Date Open: Feb. 19, 2019
Date Closed:

Case: K19-10
Subject(s): Lisa Davis, former Miami Gardens Councilwoman; Thomas Harper Corrections Officer DJ vendor and former Miami-Dade
Case Name: Lisa Davis DJ Payments

Allegation(s):

Research pertaining to a previous case (PI 18-44, City of Miami Gardens Private Donations) revealed a pattern of payments directed from (now former) CMG Councilwoman Lisa Davis to Thomas Harper, a former Miami-Dade County corrections officer, for alleged DJ services at charitable events organized by Davis on behalf of her constituents. FDLE's focus was to determine if Councilwoman Davis personally benefitted as a result of these payments. The COE worked in conjunction with FDLE in this investigation.

Research identified nearly \$20,000 in payments to Harper which were questionable for charitable-type events. It was also learned that while Harper had requested authorization for outside employment for one of the years he was providing DJ services at Miami Gardens events (2016), the research indicated that he had not disclosed any of the income from this and other prospective outside employment.

Relevant Ordinances:

The Miami-Dade County ethics code provides in applicable parts, Subsection (j) titled *Conflicting Employment Prohibited* and Subsection (k) titled *Prohibition on Outside Employment*, that,

No person ... shall accept other employment which would impair his or her independence of judgment in the performance of his or her duties.

All full-time County and municipal employees engaged in any outside employment for any person, firm, corporation or entity other than [the respective municipality] ... shall file, under oath, an annual report indicating the source of the outside employment, the nature of the work being done ... and any amount or types of money other consideration received by the employee from said outside employment.

Moreover, the Ethics Code provides 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

A spreadsheet was prepared on or about January 30, 2019, detailing payments to Harper directed by former Councilwoman Davis for DJ services dating back to FY 2014-2015 and extending through FY 2017-2018. The spreadsheet registered 15 payments to Harper beginning in November 2014 in the amount of \$400 each for appearances in November and December of that year for turkey give-away and toy give-away events organized by Davis.

The spreadsheet reflects that Harper's rates increased to \$750 when he performed in August of the following year at a book bag give-away and Farm Share food distribution events. His rates subsequently doubled to \$1,500 that same year for diabetes awareness events in August and October, according to records provided by the City's Finance department.

Those rates increased again to \$2,000 by August 2017 for two events – a back-to-school event and Farm Share food distribution event – but were reduced to \$1,750 for two subsequent events that year. However, the rates increased to \$2,500 per event by 2018 for a Father's Day event on or about June 2018 and for a Senior Appreciation Day event in August 2018.

The spreadsheet reflected payments totaling \$19,550 for 15 events over this four-year period.

An invoice signed by Davis on or about Oct. 17, 2017, shows she authorized payment of \$4,500 to Harper for DJ services at a diabetes awareness event, though no corresponding payment was initially found. (A source indicated no diabetes event was held in 2017.)

On Feb. 15, 2019, a public records request was made to City Clerk Mario Bataille requesting any corresponding payments for the invoice submitted by Davis for \$4,500. A review of the invoice – Invoice No. 104 – showed Davis requested an advance of \$3,375.

Stephen Shelly, chief operating officer of Farm Share
14125 SW 320th St, Homestead, FL 33033
Feb. 19, 2019

Mr. Shelly advised that the not-for-profit food bank Farm Share has partnered with a number of community-based organizations (CBOs), local agencies and elected leaders to carry out food distribution events. He said 489 such events were held statewide last year, including two in Miami Gardens organized by former Councilwoman Davis. He said that Davis served as the "host" for these events, and that, as host, she helped identify recipients and volunteers.

Shelley said Farm Share typically doesn't get involved in planning other than to provide a truck with food and one or two employees to oversee distribution. He said records are kept of such events

documenting how much food was distributed and to how many households. He said that a monetary value is also determined for the event by multiplying the number of pounds of food by the rate of \$1.75 per pound. He said Farm Share doesn't charge anything for its involvement in the events and said that while some events are rather extravagant, there's "not typically a party atmosphere" and said that the purpose is to help feed the hungry.

Mr. Shelley said he would provide COE with additional information about the Miami Gardens events. Mr. Shelley is also the Mayor of the City of Homestead.

Elsa Thompson, former assistant to Councilwoman Davis
Feb. 27, 2019

Ms. Thompson was interviewed by telephone on the above date by Investigator Ross. She stated that she was an assistant to Davis and two other councilmembers (Erhabor Ighodaro and Rodney Harris) from November 2013 through about March 2015. She said that after that she went to work as an administrative assistant to the City Clerk until the time, she left city service in 2016.

She said that during the time she worked as an assistant to the elected officials, she felt uneasy about some of the things she was asked to do. She said that this included councilmember travel and the purchase of gift cards.

Thompson said that, with respect to the payments to Thomas Harper for DJ services, that she questioned the amounts, and that "she (former Councilwoman Lisa Davis) was adamant that I use him" to perform at Davis' charitable events. "I was appalled at the amounts he was charging ... it was insane." She said that she and her husband were planning their wedding just prior to that and that they had priced DJ services. She said that Harper was submitting invoices for \$2,500 or more for City-sponsored events.

Thompson said she recalled Davis using Harper for five or six such events, including toy drives and turkey giveaways, as well as the Food & Wine Festival. She said she recalled a private event organizer, Michelle Swaby, also complained about Harper's rates. She said the Food & Wine event was paid for by funds other than the private donations.

All the same, Davis insisted that Harper be hired for all events she organized with City funds. "She'd say, 'Well that's who I asked you to use so that's who we're using ...' I told her, I thought it was too high" (what Harper was charging). She said that, what's more, Davis would also insist Harper be paid half of his fees in advance of the events and half afterwards.

Thompson said no other vendor was paid in this fashion, and that she also recalled getting a call from a former colleague to complain that Harper and possibly other vendors had gotten paid in connection with the 2017 diabetes awareness event and yet the event never took place. She said that typically, local hospitals and healthcare providers participate in the events and provide information about

services and likened it to a "health fair." She said the event was typically held on a Sunday and that the event in 2017 never materialized for some reason.

Patricia Varney, former Finance Director
City of Miami Gardens, FL
March 5, 2019

Ms. Varney advised that she is presently retired but occasionally assists CMG with its general bond program. She said she did recall issues relating to payments to Harper for alleged DJ services relating to City events. She said that there was one event – though she could not recall which one – for which Harper was paid upfront but the event was canceled. She recalled Harper was allowed to keep the funds even though no services were rendered.

Varney said she recalled a conversation with the former City Clerk about this situation and that the Clerk told her that Harper had already been paid a significant amount. She said she asked whether the payment could be used as a credit for future events, but that the Clerk replied that Harper intended to keep the money because it was a "deposit" and therefore not refundable. She said she recalled the City paid Harper "quite a bit."

Varney also recalled that as it related to one year's Food & Wine event that former Councilwoman Davis was demanding that vendor be paid in advance by electronic payment (ACH), and that she refused to do so because she thought it was improper. She said she felt it did not protect the City's interests to pay vendor in advance and said it would have been preferable to issue checks that could be delivered on the day of the event.

Visit to possible residence of Thomas Harper
March 13, 2019

On March 13, COE Investigator Ross and FDLE agent Gaylon White visited the address of Thomas Harper provided on his driver's license and were greeted by a resident who identified himself as Mr. Harper's stepfather. He advised that Harper used the home as a mailing address but lived elsewhere. He said he would encourage Mr. Harper to contact investigators, which Harper did later that morning by phone.

Michelle Swaby-Smith, event manager
P.G.P.P. Enterprises, Inc.
4340 SW 125th Lane, Miramar
March 14, 2019

Ms. Swaby-Smith was interviewed at her home by COE investigator Ross and FDLE agent White regarding any knowledge she might have relevant to payments to Thomas Harper. She advised that she has helped organize and produce a number of major events in the City of Miami Gardens, including the Food & Wine gala and diabetes awareness events. She said that she has worked with former Councilwoman Lisa Davis on those occasions.

Swaby-Smith was provided copies of invoices from Mr. Harper and other records for her review and

expressed that Harper's rates for DJ services were, in her opinion, well-above market rates. She said that the diabetes awareness event typically lasts half a day, and that the most she would pay a DJ for such an event was \$1,500. She said an appropriate amount for the Food & Wine Festival might be \$2,500 to \$3,000. She said the event lasts from about 6 p.m. to 1 a.m.

Swaby-Smith said that she believed the 2017 diabetes awareness event was canceled. She said that she advised former Councilwoman Davis that she would not be able to help plan and oversee the November event because she had conflicting commitments. Swaby-Smith said that she gave the councilwoman ample notice – well prior to October of that year but that as far as she was aware, that year's event never took place as a result of her withdrawal.

Swaby-Smith said she could not explain why Davis would request payment for Harper on or about October 17 in the amount of \$3,375 – or 75 percent of his invoiced amount of \$4,500 – if the event had been canceled. She was shown a copy of the payment request form. She noted the event is usually held in November because it is Diabetes Awareness month.

Swaby-Smith said that, in her experience as an event planner, it is not uncommon for DJs to get paid as much as half of their total fees in advance to hold a date open for an event but added that she typically pays only about 25 percent. She said she could not explain why Harper was advanced more than half in this instance. She said she has never had a payment advanced or expedited in this fashion for her services to CMG.

Swaby-Smith said that her experience with Mr. Harper has been that he is well-received by audiences, but that other DJs provide a more complete entertainment package. These include a DJ named Al Johnson, who she said also provided live entertainment (saxophone) and lighting, as well as playing music. "He provides a whole arsenal," she said. She recalled that for one diabetes awareness event – possibly 2016 – she hired Johnson to play at the same venue as Harper with each DJ playing on opposite ends of the room. She said she would check her records to see if she had copies of any invoices submitted by Johnson for that event.

Voluntary statement of subject, Thomas Harper, at FDLE
March 26, 2019

FLDE Special Agent Gaylon White prepared the following synopsis of the interview, and noted that it should not be considered a verbatim transcript:

"Harper is employed with the Broward County School Board and is a retired corrections officer from Miami Dade Corrections. Harper's secondary job is a disc jockey (DJ), and he is a registered vendor with the CMG. Harper has been the DJ for multiple events for the CMG, but all those events he was hired by Davis. Harper and Davis have a friendship/professional relationship and that is the extent of their relationship.

"Harper stated that he would provide Davis an invoice for the event that he is asked to play.

That invoice will contain the cost, numbers of hours that he will be at the event. Davis has never rejected any invoice that Harper has submitted to her. Harper stated that over the years his cost has escalated upward because of several reasons. Gas, transportation of the DJ equipment, equipment

replacement, decorations, cost of living increase, event size and number of people attending the event.

"All events were paid for by the CMG in check format and Harper would go over to CMG to pick up each check. The checks were cashed at CMG bank that was listed on the check or at some check cashing places. He never deposited the checks in his personal account, because if there were ever any issues with the checks it would not reflect on his personal accounts. All the checks were issued in his name, not his business name. Harper provided information on a check payment for a diabetes event that was cancelled. He received a check for a deposit for the event, but the event got cancelled and the funds were non-refundable.

"Harper stated he never paid Davis any money for hiring him to conduct the events/details.

Davis never received any kickbacks from Harper for his services, Harper stated "he deserved all of his money for his services and never paid Davis one dime" ... "I submitted the invoices with the payments, and she agreed to the payments."

Mayleen Lawrence, assistant to City Manager Cameron Benson
Office of the City Manager, Miami Gardens, FL
July 3, 2019

Ms. Lawrence indicated that she would contact the manager with respect to any formal notice provided by former Councilwoman Davis with respect to the cancellation of the 2017 Diabetes Awareness event.

Visit to corporate offices of Chen Medical in Miami Gardens, FL

On July 3, 2019, Investigator Ross visited the corporate offices of Chen Medical and inquired about Chen's support of events organized by the City of Miami Gardens – the Diabetes Awareness event. Chen's chief of corporate security provided the names of Chen employees who might provide assistance – Britney Rodriguez and Emily Wertman. Both were in a meeting at the time of the visit and cards were left for them at the front desk.

On July 5, COE was contacted by James Brown, Chen's director of public relations and community affairs. He advised in an email that he had no knowledge of Chen's participation in the city of Miami Gardens' annual diabetes event. He referred COE to a colleague, Diane Williams, the regional marketing director. She similarly advised by email that she had no information relevant to COE's request pertaining to the 2017 diabetes event.

Lashara Bostic, Assistant City Clerk
City of Miami Gardens, FL
July 23, 2019

FDLE Agent White and COE Investigator Ross met with Ms. Bostic at Miami Gardens City Hall on the above date and interviewed her regarding the 2017 diabetes event. She advised she has worked for the City since 2015, starting in a position with the police department. She said that in December 2016, she was re-assigned to serve as an assistant to former Councilwoman Davis and now Vice Mayor

Rodney Harris, a councilman at the time. She said that in early 2018, she was re-assigned again as Assistant City Clerk and continues in that capacity.

Bostic described as "one of Councilwoman Davis' signature events" the annual diabetes awareness event. She noted that she was not involved in prior year's events, but said she was involved in planning the 2017 event. She said that as of the date of the Oct. 10, 2017, email she received from Davis inquiring as to the "status" of that year's event, she was under the impression the event was still going to take place as of the time of the receipt of the email. She said it was not until on or about Nov. 2, 2017, that she became aware Davis had decided to postpone the event. She said the event was not held at all that year.

Asked about Davis' decision to postpone the 2017 diabetes event, Bostic said, "That I don't know. She never really gave me a reason." She said that she understood the Oct. 10 email regarding the event's status to relate to whether rooms had been reserved at a City recreational facility, the Betty T. Ferguson Center on NW 199th Street and 27th Ave. She said she had reserved an auditorium, the gymnasium and the Birds of Paradise Room. She said she was not involved in any other aspect of preparing for the diabetes event, but that she was involved in sending out letters requesting funding from private donors.

Bostic said that she was aware that Thomas Harper "was the person [Davis] would always use" to perform as a DJ at her community events. She said she was not aware of any personal relationship between Davis and Harper, nor any improprieties with respect to payments. She did note that Davis asked her to purchase items for other events – such as turkeys for Davis' annual turkey give-away at Thanksgiving. She said that Davis purchased gift cards herself, however, for Mother's Day and other events in which gift cards were provided. She said she was not aware of any list or registry to record the recipients of such gift cards.

Bostic confirmed that the 2017 diabetes event was never re-scheduled that year. She said she was not aware of any concerns raised by other CMG employees about the payment to Harper requested by the former councilwoman in connection with the diabetes event.

Former Councilwoman Lisa Davis, subject
18910 NW 9th Avenue, Miami Gardens, FL
Sept. 6, 2019

FDLE Special Agent Gaylon White and COE Investigator Karl Ross met with former Councilwoman Davis at her home at the above address to interview her regarding her handling of private donations during her time in office. The former councilwoman advised that she served two terms on the Miami Gardens City Council, and said she was presently running for Mayor. She said that, as a councilwoman, she was paid \$12,000 a year in salary.

It was explained to Ms. Davis that the inquiry into her activity was a result of a review of private donations solicited and received by all Miami Gardens elected officials. It was further noted that she had been one of the most active elected officials in this respect. She was advised that she led all

councilmembers with approximately \$145,000 in private donations raised and expended over the period of review, surpassed only by the Mayor with \$154,000.

Davis acknowledged that she had been very active in tapping into this funding source, stating that private donations were an important means for her to sponsor events benefiting her constituents. She said she was not aware of any restrictions on how the funds could be expended, so long as the monies were used to support community events. She said she didn't directly solicit local businesses, but had her assistants send out letters to prospective donors. "I'm hoping they wanted to help out the community as I do," Davis said, adding that she had never been asked for anything in return for these donations.

Davis acknowledged that she would sometimes purchase gift cards for certain events -- Father's Day, Mother's Day, and even Christmas, noting that teenagers preferred cards. She said she did not keep records of who the recipients were for gift cards. She said that the cards were typically for \$25 or \$50 and were often raffled at events. She said her assistants would usually purchase the cards. Asked which assistant(s) purchased gift cards on her behalf, she identified a former city employee by the name of "Tiffany." She said she could not recall the spelling of her last name, though it began with an "A." "We would just give them out" -- in a raffle -- "and then move on to the next one ... I don't know we tracked who got them."

Davis was also advised that questions had been raised about the amounts paid to Thomas Harper in connection with DJ services for her special events. Davis said she had been friends with Harper for many years, and that they both attended Bethune-Cookman University. She said that his prices have gone up over the years but suggested that this was gradual. She acknowledged that she may have paid Harper more than other DJs, but said she was interested in "quality" and putting on the best possible event for constituents. Davis asked who had voiced concern about the amounts she paid Harper, and investigators indicated they had interviewed several former employees and vendors who expressed such concerns. She claimed that none of these individuals had confronted her directly about Harper's fees.

Davis said she did recall there being an issue with an event that was canceled and for which Harper had been advanced a portion of his fees. She couldn't recall which was the event in question, but later confirmed it had been the 2017 diabetes awareness event when prompted by investigators. She said the event was canceled shortly before it was scheduled to be held because the event planner wanted what she considered to be an excessive amount in fees for the day-long event -- allegedly \$12,000 -- and she didn't have enough funds set aside. "We were almost at the end when we realized we didn't have the money," Davis said.

Asked if she was referring to event planner Michelle Swaby-Smith, Davis indicated in the affirmative and contended that it was due to Ms. Swaby-Smith's high asking price that the event was ultimately canceled. She was advised that investigators spoke to Swaby-Smith and that Swaby-Smith indicated that she told Davis she would not be available to plan the 2017 diabetes awareness event many months in advance due to a scheduling conflict. Davis continued to insist the event was canceled due to a last-minute impasse over fees.

Asked whether the event was canceled or postponed, Davis said that the event was canceled, not postponed. It was noted that an email from her assistant at the time, now Deputy City Clerk Lashara Bostic, indicated that the event had been postponed and would be rescheduled.

With respect to the fees advanced to Harper, Ms. Davis said that because Harper had been advanced a significant amount of money to perform at the diabetes awareness event, that he agreed to perform for free at another city event. She said she could not recall which event he performed at free-of-charge but said it may have been one of the Farmshare events. She was advised by investigators that Harper was interviewed over the course of the investigation and made no mention of any subsequent free performance on his part.

Davis said she didn't feel that the amount paid to Harper for the diabetes 2017 event was unreasonable. She said the diabetes event typically lasted from approximately 10 a.m. to 7 p.m. and stated that Harper was very popular with residents. (Note: Harper was advanced 75 percent of his \$4,500 fee for that event – or \$3,375.) Davis also denied ever soliciting or receiving any portion of funds paid to Harper to perform at city events.

Document/Audio/Video Review:

Review of Miami-Dade County personnel records:

On Feb. 5, COE contacted individuals in the County's HR and Finance departments to facilitate obtaining copies/ reviewing the personnel file of Thomas Harper and obtaining his direct deposit financial institution information. Mr. Harper was separated from his County position as a correctional officer on or about October 2018.

Copies of relevant documents were added to the file. These included Disciplinary Action Reports (DARs) filed in 2015 (for unexcused absences) and in 2017 (for sleeping on the job while a fight broke out in a holding cell; requests for outside employment in 2016 (as a disc jockey) and in 2017 (as a math tutor); and other personnel records indicating Harper was hired in Aug. 2, 2010, and terminated on Oct. 31, 2017. It was noted that the County would not re-hire him.

NBC 6 reports regarding alleged Section 8 housing voucher program fraud:

Reports on NBC 6 news airing in October 2017 alleged that Harper resigned his position with the Miami-Dade Corrections Department after facing possible termination as a result of his wife's failure to report Harper's income to County housing officials. Had she done so, she would have no longer been eligible to receive a monthly housing subsidy of \$1,200. The reports state that Harper earned nearly \$70,000 as a correctional officer, plus "thousands more" from outside employment with the Miami-Dade County School District. Copies of the online versions of the NBC 6 reports were added to the investigative file.

Review of Private Donations expenditures for CMG elected officials:

As noted in a spreadsheet prepared detailing payments to Harper from former Councilwoman Lisa Davis, Harper was paid \$19,550 between December 2014 and August 2018 for alleged DJ services for events organized by the councilwoman. The analysis showed that Harper's rates increased more than

six-fold from \$400 for the first two events to \$2,500 for the last two. It was also noted during the review of private donations/ expenditures that the standard rate paid by other councilmembers for community events was between \$350 and \$750.

Review of information pertaining to the Farm Share program and CMG events:

Copies of online flyers for Lisa Davis-sponsored Farm Share events were retrieved from https://www.miamigardens-fl.gov/DocumentCenter/View/1762/Farm-Share-842018-__?bidId= and elsewhere online, indicating that Davis sponsored events on the following dates:

- ☐ August 4, 2018, from 10 a.m. to 1 p.m. at The Hamlet at Walden Pond, 20855 NW 9th Court, Miami Gardens, FL (Senior Farm Share and Diabetes Awareness).
- ☐ March 9, 2018, from 10 a.m. to 1 p.m., free food distribution/ Farm Share, at the Robert Sharp Towers, 103 NW 212nd Ter., Miami Gardens, FL
- ☐ August 26, 2017, from 10 a.m. to 1 p.m., Seniors Farm Share event, at The Hamlet at Walden Pond, 20855 NW 9th Court, Miami Gardens, FL
- ☐ August 27, 2016, from 10 a.m. to 1 p.m., Senior Farm Share event, at The Hamlet at Walden Pond, 20855 NW 9th Court, Miami Gardens, FL

On or about Feb. 19, information was received from Mr. Shelley, COO of Farm Share, indicated that more than 13,000 pounds of food was distributed at the March 9, 2018, and August 4, 2018, events in Miami Gardens and that the value of the food exceeded \$46,000 combined for both events. Approximately 2,000 individuals were assisted. The information was added to the investigative file.

Review of information pertaining to Diabetes Awareness event at CMG:

On March 12, 2019, COE received the following items in response to a Feb. 15, 2019, public records request for items relating to the 2017 Diabetes Awareness event:

- ☐ A copy of an invoice from Harper in the amount of \$4,500 for providing DJ services at the 2017 "Diabetes Event." The invoice – No. 104 – was submitted to former Councilwoman Lisa Davis and dated Nov. 5, 2017. It requested payment of a "retainer fee" in the amount of \$3,375 – or 75 percent of the total amount.
- ☐ A request for payment or reimbursement submitted by former Councilwoman Davis dated Oct. 16, 2017 and signed by her Oct. 17, 2017 and requesting that Harper be paid the retainer fee of \$3,375 in connection with the "Diabetes Event."
- ☐ A copy of a City of Miami Gardens check (No. 63079) cashed on or about Oct. 26, 2017, in the amount of \$3,375 and payable to Harper. [Note: No account number was written on the check

and therefor the Bank of First Deposit (BOFD) could not be determined. The check was issued by Wells Fargo, CMG's bank.]

Review of Thomas Harper 1099 forms issued by CMG from 2014 through 2018

Pursuant to a public records request, CMG Clerk Mario Bataille provided the following IRS 1099 Miscellaneous Income forms reflecting payments to Harper, as follows:

- ☐ In 2014, Harper was paid \$3,300
- ☐ In 2015, Harper was paid \$9,000
- ☐ In 2016, Harper was paid \$13,700
- ☐ In 2017, Harper was paid \$16,375
- ☐ In 2018, Harper was paid \$14,300

In total, the records show that CMG paid \$56,675 as a City vendor for the years 2014 through 2018, and during most of which time (except the last three months of 2018), Harper was a full-time Miami-Dade County correctional officer.

Review of information obtained from Dade County Federal Credit Union:

On May 30, 2019, COE reviewed bank records obtained pursuant to a COE subpoena from Dade County Federal Credit Union (DCFCU) for accounts held by the subject Thomas E. Harper. The subpoena covered the period from Jan. 1, 2015, through early 2019.

The DCFCU records were compared against a list of known payments from the City of Miami Gardens for DJ services, and the review indicated that none of the subject payments for DJ services were deposited into Mr. Harper's accounts with DCFCU. This finding is consistent with the voluntary statement of Mr. Harper (above) in which he advised that all checks issued by the City of Miami Gardens were cashed at cash-checking locations or the City's bank.

These findings were shared with FDLE Agent White on or about this same date.

Review of emails obtained pursuant to a Public Records Request:

Emails obtained July 11, 2019, from City Clerk Mario Bataille pursuant to a public records request were reviewed and added to the file. They indicated the following:

- ☐ An Oct. 26, 2017, email exchange between former Lashara Bostic, assistant to the City Council, and Lisa Fuentes, assistant finance director about whether the check for \$3,375 could be released to Thomas Harper for the Diabetes Awareness event. Bostic advised that the event had been approved by the City Council and the check could therefore be released. Ms. Fuentes said she would hold for vendor pick-up.
- ☐ In an email dated Oct. 10, 2019, from Councilwoman Davis to Bostic, Davis inquires as to the

status of both the Farmshare and Diabetes Awareness events. The latter had been scheduled to be held at a city facility for November 5th.

□ An email dated Nov. 2, 2017, from Bostic to several other city employees states: "Good evening – Councilwoman Davis has decided to postpone the diabetes event. I will follow-up when she has chosen a date. Thank you ..."

Conclusion(s):

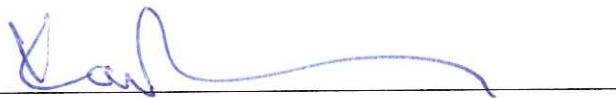
The investigation confirmed payments from former Councilwoman Lisa Davis to Thomas Harper for DJ services for community events that she sponsored during her tenure as a Miami Gardens councilwoman.

The investigation also found that several CMG employees and/ or vendors had questioned the former councilwoman about the payments to Harper.

Harper maintained in his interview with the FDLE agent that he did not feel that he was being paid in excess of the market rate as a DJ and maintained that he did not share any of the proceeds with former Councilwoman Davis. He said he "never paid Davis one dime." He did acknowledge that none of the City checks were deposited in his personal bank accounts but were instead cashed at check-cashing outlets or at the city's bank of issuance.

The investigation was unable to establish whether any payments were made to the former councilwoman. The findings revealed that Mr. Harper potentially violated County ethics rules by failing to disclose income he received for his services as a DJ in Miami Gardens and possibly elsewhere for all years relevant to this inquiry – 2014 to 2018. He was a Miami-Dade County employee for all of these years, except for the last two months of 2018 when he resigned from his position as a Miami-Dade County corrections officer.

Given that Mr. Harper is no longer a County employee, it was decided by the Ethics Advocate that no further action should be taken at this time. Accordingly, the case was closed.

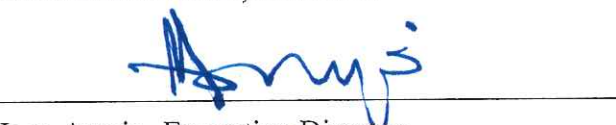


Karl Ross, COE Investigator

Approved by:



Michael Murawski, Advocate



Jose Arrojo, Executive Director