



**CASE
CLOSED**

Miami-Dade Commission on Ethics & Public Trust Date: 11-25-19
Investigative Report

Investigator: Karl Ross Case: K19-14
Complainant(s): Anonymous Subject(s): Maurice Pierre, biologist 2 with
Case Name: Maurice Pierre Miami-Dade DERM
Alleged outside employment
Date Open: Feb. 27, 2019 Date Closed

Allegation(s):

On or about Feb. 27, 2019, COE received an anonymous e-mail alleging the subject, Mr. Pierre, "has outside employment in a company in his name, Spoiler Alert Tees," and that his manager is not aware of this and that no authorization for such employment has been obtained.

The complainant provided links to Mr. Pierre's company found on Sunbiz, along with social media posts and a link to the company's Website. He is further alleged to "frequently [meet] with two other cohorts in the Division ... he does not directly work with All of whom promote and are featured wearing these T-shirts for sale from this company on social media."

Relevant Ordinances:

The Miami-Dade County ethics code states 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" and, further that:

"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."

Investigation:

Interviews

On March 1, 2019, COE visited the Miami-Dade County HR department to review Mr. Pierre's personnel file, and learned the following:

- He has worked for DERM since December 1, 2000.
- His two most recent leave reports reflect that he took 128 hours of sick leave in FY 2016-17 and 92 hours in FY 2017-18.
- He has consistently received “outstanding” annual evaluations for his professional duties, and he has further received high marks for his inter-personal skills.
- There were no outside employment authorization request forms on file.

On March 1, 2019, Mr. Pierre was contacted at his County e-mail address and advised as to the present inquiry into his alleged outside employment. An interview was requested.

He replied that same day and advised as follows: “Due to my own fault and lack of knowledge, I am submitting an after-the-fact Outside Employment Statement. Please let me know if any further information is needed for completion of this process.”

A copy of the Outside Employment Statement was added to the file. The statement reflected that Mr. Pierre had earned \$80 in 2018 resulting from the sale of T-shirts.

Mr. Pierre was advised by e-mail that he would also have to get his supervisor and director to sign an outside employment request form and that this form ordinarily would need to be completed and approved *prior to engaging in outside employment*.

On March 14, 2019, a voice message was left for Mr. Pierre requesting he provide a copy of the outside employment authorization form as previously requested.

Mr. Pierre contacted COE on March 19, 2019. He was advised that he was still required to submit an outside employment request form. He said he would comply and provide COE a copy once the form had been acted upon by his supervisor/ director.

On May 7, 2019, Mr. Pierre replied to a query from COE about his outside employment request as follows: “I checked with HR on Friday and they are now saying that they have to access the new system and review them all, but they were not able to give me a time frame as to when they would be finished. I have been in contact with Sandra Prada about it, and she said she will let me know as soon as she gets news. Thank you for your patience.”

On or about May 28, 2019, COE Staff Attorney Gilma Diaz-Greco advised that a grace period had been implemented through July 1, 2019, to allow County employees to request outside employment through the new automated system. She indicated the grace period would apply to Mr. Pierre and provided copies of his pending requests for outside employment.

A review of the County’s new electronic database regarding outside employment on May 28, 2019, found that Mr. Pierre had submitted a request for outside employment with Spoiler Alert Tees LLC on or about April 30, 2019, and that his request was approved by his immediate supervisor, Pamela Sweeny. The entry stated, “Pending Director Decision.”

An e-mail was sent to Deputy Mayor Jack Osterholt on July 18, 2019, asking whether he intended to approve Mr. Pierre's request for outside employment. A copy of the e-mail was added to the file. COE was advised that a decision would be made shortly.

On or about Sept. 12, 2019, Pamela Sweeney was contacted by COE and her assistance was requested in obtaining an answer from Deputy Mayor Osterholt regarding Mr. Pierre's outside employment request. She agreed to provide requested assistance.

After repeated efforts to learn from Ms. Sweeney and others whether Deputy Mayor Osterholt approved Mr. Pierre's request for outside employment, COE was advised on Nov. 20, 2019, that his request had finally been approved. Mr. Osterholt also serves as director of DERM.

Document/Audio/Video Review:

A review of the Sunbiz.org website showed that Spoiler Alert Tees LLC was established on or about June 11, 2018, and that Maurice J. Pierre is the sole officer and registered agent. The address of the corporation is the same as Mr. Pierre's home address in Lauderhill.

On March 1, COE visited the Spoiler Alert Tees home Website at the following link: <https://www.spoileralerttees.com/home> ... The website markets T-shirts with movie, TV show, and video game references.

The website also offers links to Facebook and Instagram postings, as evidenced by the following links: <https://www.facebook.com/Spoileralerttees/> and

A copy of Mr. Pierre's most recent annual evaluation dated Sept. 22, 2016, was added to the file. He received an "outstanding" overall rating from his supervisors.

Conclusion(s):

After review by the Ethics Advocate it was determined that this matter could be closed with no further action since Mr. Pierre's outside employment had been approved. A copy of this report will be provided to Mr. Pierre and he is reminded that on or before July 1, 2020 he needs to file the appropriate disclosure form, disclosing all the income he received from his outside employment in order to be in compliance with Section 2-11.1(k)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics ordinance.


Karl Ross, COE Investigator 11/25/19

Approved by:

Michael Murawski, Advocate


Jose Arrojo, Executive Director

