



**BROWARD OFFICE OF THE
INSPECTOR GENERAL**

**2020 - 2021
ANNUAL REPORT**

A MESSAGE FROM THE INSPECTOR GENERAL

It is my privilege to present you with the Annual Report of the Broward Office of the Inspector General for the 2020-2021 fiscal year, the year in which we marked our tenth anniversary of service to the public. We believe our objective, fact-based, and fair identification, reporting, and referral of misconduct and gross mismanagement has made a difference.

One area on which the OIG has continued to focus over the past ten years is the enforcement of open government laws. The promulgation of laws requiring transparency in the public sector are a touchstone of good government. Florida's open meeting law—the “Sunshine” law—and its public records laws are an acknowledgment of the value of public discussion as well as other benefits that come with a culture of transparency, including the promotion of public trust and confidence in government decisions.

In the past, we have reported that the mayor of Plantation violated the Sunshine law and public records laws in connection with her secret plan to reorganize city staff, that two former officials of the Greater Fort Lauderdale Convention and Visitors Bureau participated in procurement selection committee meetings that violated the Sunshine law, and that upon receiving a public records request the mayor of Hallandale Beach refused to disclose her and two former city commissioners' misspending of over \$239,000 of public funds while acting out of the sunshine.

During this reporting period, we determined that the City of Deerfield Beach withheld potentially explosive information from aggravated residents who queried the city about records regarding the overpayment of health care claims to retirees over the age of 65. As a result of our investigation, the city is substantially reworking how it handles public records requests. We also completed a review that helped bring all local governments into compliance with the new county charter requirement to provide online notices, agendas, and backup material for meetings of their governing bodies 48 hours in advance.

Our focus continues. Indeed, just before this annual report was published, we reported that a former Pembroke Park vice mayor and a commissioner violated the Sunshine law by privately meeting about town business.

The OIG remains committed to undertaking this important investigative function.

Sincerely



John W. Scott
Inspector General

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BROWARD OIG MISSION STATEMENT

THE MISSION OF THE BROWARD OFFICE OF THE INSPECTOR GENERAL (OIG) IS TO ACT AS AN INDEPENDENT WATCHDOG FOR THE RESIDENTS OF BROWARD COUNTY. WE PROMOTE INTEGRITY AND ACCOUNTABILITY BY INVESTIGATING ALLEGATIONS OF MISCONDUCT—INCLUDING FRAUD, CORRUPTION, AND ABUSE—AND GROSS MISMANAGEMENT, BY OFFICIALS AND EMPLOYEES OF THE CHARTER GOVERNMENT OF BROWARD COUNTY, ITS THIRTY-ONE MUNICIPALITIES, AND ALL ENTITIES AND PERSONS WHO PROVIDE GOODS AND SERVICES TO THE COUNTY AND THE MUNICIPALITIES. THE OIG PUBLICLY REPORTS ITS FINDINGS TO KEEP RESIDENTS INFORMED.

WHENEVER APPROPRIATE, THE OIG SEEKS CRIMINAL PROSECUTION, CIVIL RECOVERIES, ADMINISTRATIVE AND MONETARY SANCTIONS, AND ETHICS SANCTIONS OF THOSE RESPONSIBLE FOR FRAUD, WASTE AND ABUSE IN GOVERNMENT.

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AUTHORITY AND RESPONSIBILITIES

The OIG’s purpose, authority and responsibilities are codified in Section 10.01 of the Broward County Charter. The charter authorizes the OIG to investigate misconduct—including fraud, corruption, abuse, and ethics violations—and gross mismanagement.

The OIG functions as an independent watchdog on behalf of nearly 2 million residents of Broward County. The OIG’s authority extends over:

- all elected and appointed county officials and employees;
- all elected and appointed officials and employees of the 31 municipalities located in the county; and
- all entities and persons that provide goods and services to the county and the municipalities.

This responsibility encompasses county and municipal budgets totaling nearly \$10 billion, more than 28,000 employees, and over 450 separate divisions and departments of government. In addition, the OIG has oversight responsibility for more than 170 elected officials, including county commissioners, mayors, vice mayors, city commissioners, and town council members, as well as more than 20,000 registered vendors that provide goods or services to the county and municipalities.

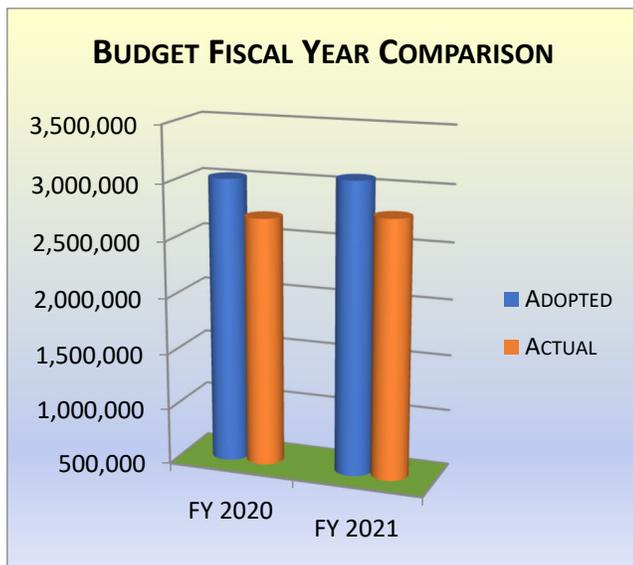
The Inspector General has the authority to investigate the material waste or significant mismanagement of public resources; violations of state and federal constitutions, statutes, and codes; county and municipal ordinances and codes; and conduct involving fraud, corruption, and abuse. In connection with an investigation, the Inspector General has the power to subpoena witnesses, administer oaths, and require the production of documents and records. As part of an investigation, the Inspector General may audit any program, contract, or the operations of any division, department, or office of the county or municipalities. The Inspector General may also audit the operations or performance of any provider as it relates to its contract with the county or municipality. The Inspector General is also charged with the responsibility to enforce the Broward Code of Ethics for Elected Officials (Section 1-19 of the Broward County Code of Ordinances) (Broward Ethics Code), which applies to the mayors and members of the governing bodies of the county and municipalities.

BUDGET

Although the OIG’s budget is funded through the county general fund, the charter requires that the OIG remain an independent organization to assure that no interference or external influence affects the objectivity of the office. The charter further requires that the Inspector General submit a proposed budget which “shall include a reasonable estimate of operating and capital expenditures of the Office of

Inspector General, funds to enable Hearing Officers to be retained, and funds to enable the Inspector General to retain outside counsel to represent the Inspector General in connection with complaints referred to a Hearing Officer.” Section 10.01 G.(3). The funds must be approved by the County Commission.

In addition, the County Administrator and the Office of Management and Budget provide resources and support throughout the budget process.



The OIG remains committed to operating in a fiscally responsible manner. The approved budget for fiscal year (FY) 2020 was \$3,025,820, with actual expenditures of \$2,705,327. The approved budget for FY 2021 was \$3,082,350 with an estimated actual expenditure of \$2,787,518.¹ The OIG’s FY 2021 budget represented 0.07 percent of the county’s total budget. The adopted budget for FY 2022, which commenced on October 1,

¹The OIG has provided an estimate of actual expenditures because the Broward County Office of Management and

2021, is \$3,256,220. Budgeted positions for the OIG have remained at 20 since FY 2016.

OIG COVID-19 RESPONSE

For most of the duration of the reporting period, the OIG continued to work remotely to help prevent our staff and those whom we contact from contracting COVID-19. Watching the data from several government and private sources, we reopened our offices in July 2021 only to shut down again three weeks later when the Delta variant of the virus surged alarmingly. At the time this report went to press, we planned to return to provide full-time coverage at the office as of December 1, 2021, more than 20 months after we began to work remotely.

While working remotely, our staff members have continued to adhere to our protocols for remote work and the occasional necessary visit to the office or field. In addition, we have recently provided staff with a financial incentive to become fully vaccinated against the COVID-19 virus. Upon our return to the office on December 1, 2021, those who have not availed themselves of the incentive will be required to submit PCR test results weekly.

As evidenced by the instant publication, despite working remotely through most of the reporting period, we continued to be productive and serve the county’s residents in the manner the Broward

Budget had not finalized actual expenditures for FY 2021 as of the preparation of this report.

County Charter directs and, as always, in the public's interest.

SELECTION-OVERSIGHT COMMITTEE

Soon after the OIG's ten-year anniversary, the OIG Selection-Oversight Committee (SOC) held a special meeting on May 20, 2021, to receive a summary on the agency's history and function. The SOC, including three individuals whose appointments occurred in the prior five months, heard from the Inspector General and General Counsel on the OIG's background, accountability, authority, workflow, function, and significant investigations since May 2, 2011.

The presentation included timelines of SOC appointments, SOC meetings, and OIG milestones. It also reviewed the Broward County Charter's Article X, which sets forth the SOC's composition and authority and the OIG's jurisdiction, authority, and powers, as well as how the OIG functions to carry out its charter mandate. It concluded with a review of 19 significant matters, including audit and contract/procurement oversight investigations, ethics investigations, and compliance reviews.

The SOC is currently comprised of Robert A. Butterworth, Jr., selected by the SOC and serving as its chair; Michael A. Fischler, the Broward County Bar Association's appointee and SOC vice chair; Regina A. Faulk, the State Attorney's appointee; Nadine L. Girault, the Public Defender's appointee; and

Daniel J. Stermer, the Broward League of Cities's appointee.

THE OIG TEAM

The OIG is led by Inspector General John W. Scott, who is serving his third term after being selected as the first Broward Inspector General in 2011.

For over ten years, we have carried out our mission as an independent watchdog for the residents of Broward County, promoting the integrity and accountability of local government within the county. The OIG has developed a cohesive team of respected professionals who have fostered a spirit of cooperation with the individuals and entities under our scrutiny.

The Inspector General leads the organization aided by a management team comprised of our Deputy Inspector General, Assistant Inspector General, and General Counsel. The OIG team is a diverse group of highly qualified individuals who bring to the organization a variety of specialties and skill sets. The professional qualifications of our team include certified public accountants; attorneys including former federal and state prosecutors; former federal, state, and local law enforcement officers; former state regulatory investigators; procurement specialists; and administrative specialists.

We are pleased to note that the national membership of the Association of Inspectors General (AIG) recently elected a member of our team to the AIG board of

directors. Our General Counsel, Carol “Jodie” Breece, will commence a three-year term beginning January 1, 2022.

Ms. Breece has served the OIG for nine years, providing legal counsel and advice; ensuring agency compliance with applicable law; directing litigation; leading the office’s ethics enforcement, compliance, and training efforts; and supervising the legal staff. In addition to being Board Certified in Criminal Trial Law by The Florida Bar, AV Preeminent Rated by Martindale-Hubbell, and a Certified Fraud Examiner, she is an AIG Certified Inspector General.

Founded in 1996, the AIG is a non-profit organization that supports and advances the professionalism and integrity of inspectors general offices in federal, state, and local government agencies nationwide. It fosters and promotes unbiased and independent oversight and public accountability in the detection and prevention of government and provider fraud, waste, and abuse through policy research, standardization of practices, and professional development. Its members include professional inspector general executives, managers, investigators, auditors, evaluators, and legal counsel.

PROFESSIONAL DEVELOPMENT

The Inspector General recruits the highest quality professionals within their respective fields. As an accredited agency, we are committed to maintaining the highest level of professionalism by investing in our most valuable asset—our

staff. Our team holds various professional certifications including fraud examiner, inspector general investigator, inspector general auditor, inspector general, criminal trial lawyer, public accountant, public procurement officer, and criminal justice information system operator. To maintain these credentials, as well as the state’s accredited status, continuing education hours are required.

To date, OIG staff members have received over 4,492 hours of continuing professional education, 339 of which occurred during fiscal year 2021. The OIG provides in-house training to all new staff members on topics including the mission, function, and authority of the OIG; the charter, the Broward County Code of Ordinances, and municipal codes; county and municipal government organization and function; ethics codes and the Sunshine laws; the accreditation process; the OIG Manual of Directives; proper investigative techniques and protocols; and our investigative management system software.

Throughout the year, staff members participated in training provided by the county, including Microsoft Office 365 products; cyber security awareness; employment issues refresher; HIPAA essentials; and electronic processes including procurement, payroll, and human resources.

In addition, staff members participated in training and conferences provided by various government entities and associations that focused on various legal,

investigative, and auditing topics, including:

- AIG Executive Investigations- Working together with inspectors general
- Annual Local Government Law in Florida
- Communication Exercises
- Conducting Investigations Remotely
- Counsel on Government Ethics Laws (COGEL) Annual Training Conference
- Criminal Justice Information Services (CJIS) Security Training
- Florida CPA Ethics
- Florida Municipal Attorneys Association 39th Annual Seminar
- Florida Offices of Inspectors General Spring Updates
- Fraud Detection Incident Response
- Fraud Vulnerabilities in Contracting
- Navigating the Digital Crime Scene
- State tax policy and the impacts on business owners and individuals
- Sunshine Law, Public Records and Ethics for Public Officers and Employees 2021
- Under the Table Combatting Bribery and Corruption
- U.S. CARES Act Overview and Global Integrity Report
- Using the Web for Investigations
- Ways to Increase Ethical Accountability and Decrease Fraud Risk

OIG staff members are affiliated with the AIG. In addition to the functions listed above under the section titled, “The OIG Team,” the AIG awards certification status to individuals who meet the eligibility requirements regarding education and experience and successfully complete the respective certification program.

After undergoing screening, training, and testing by the AIG, two members of the OIG’s management team have been awarded the designation of Certified Inspector General; all OIG Special Agents have received the designation of Certified Inspector General Investigator; and two members of our audit team have received the designation of Certified Inspector General Auditor.

OIG AWARDED SECOND CFA REACCREDITATION

On February 18, 2021, the Commission for Florida Law Enforcement Accreditation (CFA) awarded reaccreditation status to the OIG for the second time. Established in 1993 by

Florida statute, the CFA reviews and accredits law enforcement agencies and OIGs that meet or exceed the principles and established standards for offices of inspectors general. The CFA is nationally recognized for initiating the first state Inspectors General accreditation program. To ensure consistent and continued compliance with these standards, the CFA reviews agencies for reaccreditation every three years. The OIG was first accredited in 2014 and reaccredited in 2017.

Achieving and maintaining accredited status significantly enhances the quality of our investigations, as well as the credibility and professionalism of the agency. It requires an ongoing commitment to adhere to comprehensive written directives that comply with more than 40 CFA standards for offices of inspectors general. Although the current pandemic required the OIG to adapt to a new working environment, it did not diminish our commitment to uphold these standards. In November 2020, an assessment team from the CFA conducted a virtual assessment of all aspects of our policies and procedures, management, and operations.

On December 17, 2020, the CFA assessment team issued its final report of our reaccreditation assessment. The report appraised the OIG's performance as an "impressive criminal justice agency that demonstrated that it holds its organization to the highest standards." In support of its findings, the assessment team stated, "It was evident the Broward Office of the Inspector General is a highly professional

and well-organized agency." The assessment team unanimously recommended favorable review of the Broward OIG for reaccreditation status by the CFA.

On February 18, 2021, the full CFA Commission unanimously voted to grant the OIG reaccreditation status. Thus, the OIG has been continuously CFA-accredited for over six years. The OIG will be reviewed again in 2023 for reaccreditation status. We remain dedicated to maintaining compliance with the accreditation standards, so that we may better serve the residents of Broward County.

COMPLAINTS, TIPS, AND INFORMATION

The OIG initiates investigations on complaints, tips, and other information that it thoroughly evaluates. The Inspector General has the authority to commence an investigation based on the existence of good cause to believe that any official, employee, or provider has engaged in misconduct or gross mismanagement. The Inspector General may find good cause based upon his own initiative or on a signed, sworn complaint.

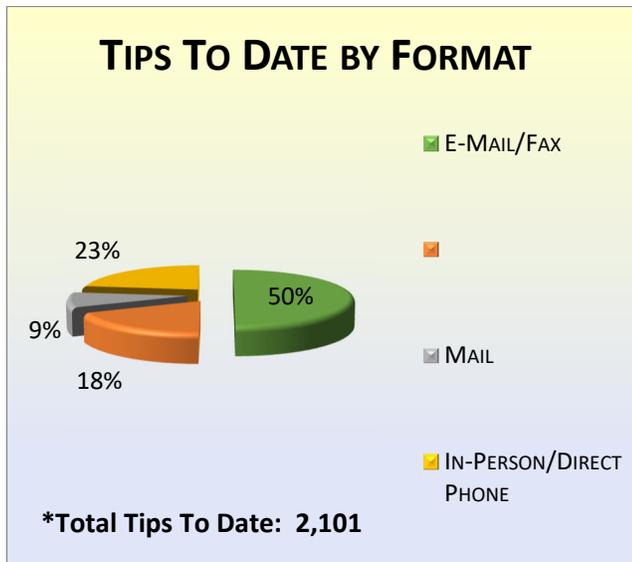
Tips and Information

All county and municipal employees and residents are encouraged to assist the OIG in combating misconduct and gross mismanagement by providing tips and information. There are several ways to provide information to the OIG. We

accept tips and information through our Hotline at (954) 357-TIPS (8477), email at InspectorGeneral@broward.org, fax at (954) 357-7857, mail, or in person.

Information may be provided without disclosing a name or contact information, although the OIG encourages persons to identify themselves should additional information be needed during the investigative process.

To date the OIG has received 2,101 tips, 283 of which were received during this reporting period.



Once a tip is received, it is reviewed to determine the appropriate action and assignment.



Of all tips received in the past year, 29 have resulted in investigative matters or are currently pending a determination by the OIG.

Since our inception, 266 tips have resulted in the initiation of investigative matters and 471 tips have been referred to other governmental agencies.

Complaints

The Inspector General may find good cause based on a signed, verified complaint. The charter requires a complaint to be signed, under a penalty of perjury, with a statement that the complainant has personal knowledge of the facts. Persons who wish to file a complaint with the OIG may obtain a complaint form from the OIG website or by contacting the OIG at (954) 357-7873.

The complaint must be completed, signed, and delivered to the Broward Office of the Inspector General, One North University Drive, Suite 111, Plantation, Florida, 33324.

To date, the OIG has received 222 signed complaints, including 15 during this reporting period.



Of these 15 complaints, four were referred to other government agencies for their appropriate action, and good cause was not established in 11 of the complaints.

PROGRAMS

The OIG is structured to support its primary mission of investigating gross mismanagement and misconduct, as well as enforcing the Broward Ethics Code. The OIG structure includes Investigations, Audit and Contract/Procurement Oversight, and Ethics, all of which work together to fulfill the broad and varied jurisdiction of the Inspector General.

As the result of OIG efforts, we have identified more than \$37.3 million in questionable expenditures to date,

including approximately \$560,000 this fiscal year. Moreover, our efforts have led to the detection of over \$4.5 million in recoverable funds, projected cost savings, and assessed penalties, including the detection of over \$122,000 this fiscal year. To date, local governments have recovered over \$794,000 in misspent taxpayer funds identified by the OIG, including over \$22,000 this fiscal year.

Our structure allows for the flexibility to assign resources when and where they are needed to accomplish our mission most effectively. Each of the programs are discussed in more detail below.

INVESTIGATIONS

The Deputy Inspector General is responsible for all investigative functions of the OIG.

Under the supervision of the Supervisory Special Agent, Special Agents within the Investigations unit are tasked with investigating credible allegations of misconduct and gross mismanagement by Broward and municipal elected officials, employees, and providers. The Broward County Charter defines misconduct as “any violation of the state or federal constitution, any state or federal statute or code, any county or municipal ordinance or code; or conduct involving fraud, corruption, or abuse.” Gross mismanagement is defined as “the material waste or significant mismanagement of public resources.”

We also investigate alleged violations of the Broward Ethics Code, the Florida Code of Ethics for Public Officials and Employees (State Ethics Code), and municipal ethics codes. Special Agents also assist on procurement oversight and audit related matters.

OIG staff are responsible for reviewing and corroborating information from hundreds of tips and complaints. They must also:

- conduct thorough, well documented investigations;
- perform extensive background checks; and
- carry out detailed ethics and other regulatory compliance reviews.

Although OIG investigations vary in size and complexity, most require interviews of witnesses and implicated parties, review of numerous documents, analysis of financial records, and preparation of detailed reports that summarize investigative findings.

The OIG issues reports at the conclusion of investigations involving allegations of gross mismanagement. We also issue reports involving allegations of misconduct when we determine that such a report will assist the county or any municipality in preventing similar future misconduct. When a report is not warranted, the OIG may issue a memorandum notifying officials of the

closure of the investigation and detailing its work.

Following are summaries of significant investigative findings made by the OIG during this reporting period.

Employee Tampered with Bid in Selection of Holiday Lighting Vendor in Fort Lauderdale

The OIG issued a final report concluding that City of Fort Lauderdale Community Redevelopment Agency (CRA) Coordinator Thomasina Turner-Diggs engaged in bid tampering and other crimes when she attempted to direct a city contract for holiday display lighting services to vendor South Florida Lighting Team, LLC, doing business as Miami Christmas Lights (MCL).

Following its receipt of the OIG preliminary report, the city informed Ms. Turner-Diggs of its intent to terminate her employment, and the city no longer employs her.

The OIG investigation uncovered that Ms. Turner-Diggs, on behalf of the city but without its knowledge or authorization, agreed to pay MCL for holiday display lighting services for the city and CRA's 2016 Light Up Sistrunk event. She did so during a meeting with MCL's sales representative M. Randy Meyerson, where she signed MCL's estimate form agreeing to pay \$51,450.50. At the same meeting, Mr. Meyerson provided Ms. Turner-Diggs with two fabricated, higher quotes from purportedly competing vendors for her use in processing the procurement. He created

these quotes with her knowledge, in her presence, and on her office computer.

As the city's code required procurements of over \$25,000 to be conducted through a formal, sealed bid process, Ms. Turner-Diggs later had Mr. Meyerson split MCL's \$51,450.50 quote into two, smaller quotes to maintain control of the procurement. She then had the CRA process a requisition for the city to purchase the holiday lighting services from MCL using one of the broken-down quotes Mr. Meyerson provided her in the amount of \$22,950.00, along with the two higher, fabricated quotes that Mr. Meyerson had previously created.

The city discovered the fraudulent nature of the two competing quotes and ultimately procured MCL's holiday lighting services through a formal, sealed bid process, despite the fraudulent conduct that occurred and without alerting the city commission. Nonetheless, Ms. Turner-Diggs's attempt to direct the contract to MCL constituted criminal violations of bid tampering, a second-degree felony; criminal use of public records, a third-degree felony; and falsifying records, a first-degree misdemeanor. She also misused her public position in violation of the State Ethics Code.

The OIG referred the matter to the Broward State Attorney and the Florida Commission on Ethics (CE) for whatever action those agencies deem appropriate, and the city pledged to cooperate should those agencies take further action.

Deerfield Beach Officials Withheld Public Records on Retiree Health Benefits Misspending

The OIG issued a final report finding misconduct by the City of Deerfield Beach's human resources and risk management (HR) director in 2017 and 2018, when she failed to produce responsive documents to residents who requested public records about the overpayment of health benefit subsidies to retirees over the age of 65.

Residents made the requests to gain clarity on the city's administration of the health plan and the scope, magnitude, duration, and cost of misspending on health care costs for retirees over the age of 65. The OIG determined that the HR Director withheld documents that were in her custody and directly responsive to public records requests we investigated. One particular document, referred to as the Retiree Health Plan Analysis, included facts that formed the basis for its author to conclude that the city had contributed to subsidies for retirees without authority for more than a decade, that the city's HR employees instructed several retirees not to enroll in Medicare, that retirees could attempt legal action against the city, the scope of the coverage at issue, and other observations that would have provided fodder to critics of the city's administration.

The OIG also established that the City Clerk oversaw a public records process that failed to properly respond to one

public records request, also in violation of state public records law.

The city's response to the OIG's report reflects its acceptance of our factual findings and recognition of the need to improve the city's process of record maintenance and system for tracking and responding to public records requests. As a result of the OIG investigation, the city is implementing several changes in its processes, and the OIG has requested the city provide a status report in February 2022 on its progress.

Broward County and Municipalities Comply with County Charter Requirement to Post Meeting Notices, Agendas, and Backup Materials Online

The OIG completed a compliance review to determine whether Broward County and its 31 municipalities timely posted meeting notices and other required documents for commission meetings pursuant to Broward County Charter Section 1.07, a provision passed by voters in the November 2018 election.

After finding in an earlier review that three municipalities had failed to post any governing body meeting notices, agendas, or backup materials during the first six months of 2019, on September 27, 2019, the OIG notified these entities that we would be conducting another review on or about November 15, 2019. The OIG's second review determined that the county and all municipalities had posted at least some of the required documentation online, but we had not yet determined the

timeliness of those postings, that is, whether the entities posted the material more than 48 hours in advance.

Our attempts to do so were abandoned in June 2020, after the onset and surge of the COVID-19 pandemic resulted in frequent cancellations and delays of government meetings. After the governing bodies of the county and municipalities resumed meeting on a regular basis, in February 2021, we opened our second matter to revive our earlier effort to help these governments achieve full compliance with charter Section 1.07.

At the end of this compliance review, the OIG concluded that the county and all 31 municipalities were in full compliance with the charter requirement for the review period of March 1, 2021, through June 30, 2021, posting regular commission meeting notices, agendas, and backup materials on the internet at least 48 hours in advance and allowing for improved transparency and increased engagement in local government.

Update Re: Lazy Lake Status on Village Elections and Vacancies

In November 2019, the OIG released a closing memorandum concluding that it found good cause to believe that individuals were governing the Village of Lazy Lake, Florida, in violation of the state constitution, state statutes, and the village charter. We also concluded that, if the village held a proper election in March

2020, it would then be governed in accordance with the law.

In April 2020, the Village of Lazy Lake provided the OIG with an update reporting that its mayor and council members met the legal requirements for the March 17, 2020, election. As all candidates ran without opposition, there was no need for an election, and these persons took their oaths of office in February 2020.

In May 2021, the Village of Lazy Lake provided the OIG with another update reporting that, although it had not yet established any protocols or accountability processes for village elections going forward, its mayor and council members anticipated securing the services of a consulting “qualifications and elections agent” in the fiscal year beginning on October 1, 2021, to coordinate village efforts with the Broward County Supervisor of Elections for the March 2022 village election, as it did for the past election cycle.

Update Re: Ethics Commission Finds Probable Cause That Former Convention and Visitors Bureau Official Misused Her County Position

In March 2021, the Florida Commission on Ethics (CE) entered an order finding probable cause to believe that Christine Roberts, while Vice President of Convention Sales for the Greater Fort Lauderdale Convention and Visitors Bureau (CVB), committed three violations of the State Ethics Code. The CE’s action was based on an OIG referral.

Ms. Roberts now faces trial by an administrative law judge.

The OIG passed on its findings to the CE in September 2018 after its investigation revealed Ms. Roberts corruptly misused her position within the CVB to orchestrate the selection of her boyfriend’s event production company for CVB events between 2012, the year they started dating, and 2015, the year he stopped working with the CVB. Ms. Roberts's misconduct benefited her boyfriend’s company with approximately \$255,570 of county business.

The investigation further found that Ms. Roberts had a conflicting contractual relationship with her boyfriend, as the two entered into a loan agreement at the same time the CVB was doing business with him. In addition to the misuse of position and conflicting contractual relationship, the CE found that Ms. Roberts also used or disclosed information not available to the public for her boyfriend’s benefit.

Update Re: Fort Lauderdale Commissioner McKinzie Enters Consent Order with Florida Elections Commission

In a matter that the OIG referred to the Florida Elections Commission (FEC) in August 2016, Fort Lauderdale City Commissioner Robert McKinzie entered into a consent order with the FEC in December 2020 and paid a \$600.00 civil penalty to settle the agency’s investigation into campaign finance violations committed during McKinzie’s

successful campaign for the city's District 3 seat in February 2015.

The FEC found that Commissioner McKinzie certified to the correctness of one or more campaign treasurer's reports knowing it or they were incorrect, false, or incomplete; used campaign funds to defray normal living expenses of the candidate or his family; and failed to dispose of surplus campaign funds according to state law.

Following the investigation that precipitated the FEC action, the OIG issued a final report that also concluded that Commissioner McKinzie accepted contributions that exceeded the city's \$250 limit on fourteen occasions, refunding the only four contributions that were the subject of a media inquiry, among many other law violations.

Commissioner McKinzie did not admit to any of the allegations or findings.

***Update Re: FEC Finds North
Lauderdale Commissioner's 2016
Campaign Treasurer Committed
Campaign Finance Violations***

On May 25, 2021, the FEC found that Jean Charles, former campaign treasurer for Samson Borgelin, who ran for City of North Lauderdale Commissioner in November 2016, violated provisions of Florida's campaign finance law. The FEC's action was predicated upon an OIG complaint following its investigation

into Commissioner Borgelin's campaign finance activities.

The parties entered a Consent Final Order regarding certain violations of Florida law. Those laws required Mr. Charles as campaign treasurer to maintain detailed accounts and preserve treasury records for four years and prohibited willfully certifying to the correctness of campaign treasurer's reports while knowing that they were incorrect, false, or incomplete. The OIG had found that, although Mr. Charles was the only treasurer for the campaign, a third party prepared incorrect or false campaign treasurer's reports and Commissioner Borgelin and Mr. Charles signed them. During the OIG's investigation, neither Mr. Charles, Commissioner Borgelin, the third party, nor anyone else was able to produce certain required campaign treasury records including donor or contribution records, expense receipts, accounts ledgers such as a check register, deposit slips, or debit card receipts.

Mr. Charles paid a \$150 civil penalty for his violations.

As reported in our 2018 – 2019 Annual Report, Commissioner Borgelin paid a \$600.00 fine for certifying campaign treasurer reports as true, correct, and complete when they were not.

Update Re: FEC Fines Miramar Mayor Messam's 2015 Campaign Treasurer, Dismisses Case Against Mayor

In a matter that the OIG referred to the FEC, the campaign treasurer for Wayne Messam's 2015 campaign for mayor of the City of Miramar, agreed to a consent final order and paid a civil penalty of \$475.00 for her part in the campaign. The campaign treasurer for Mayor Messam's campaign was his wife, Angela Messam.

During an investigation into whether Mayor Messam falsely reported or deliberately failed to include information on his campaign treasurer's reports and may have personally profited from the campaign, the mayor and his wife declined to interview or to produce state-mandated campaign treasury records, at which time the OIG made its findings and referred the matter to the FEC.

The FEC found that Mrs. Messam violated Florida Statutes Sections 106.07(5) and 106.11(5) when she (1) certified to the correctness of one or more campaign finance reports while knowing it or they were incorrect, false, or incomplete; and (2) made or authorized one or more prohibited expenditures from the campaign account after the election.

The OIG referred the matter to the FEC in January 2017, and the consent final order was filed with the FEC in September 2021, at which time the FEC also filed a dismissal of its case against the mayor.

AUDIT AND CONTRACT/ PROCUREMENT OVERSIGHT

The Audit and Contract/Procurement Oversight Program (ACPOP) is a specialized investigative program under the supervision of our Director, Audit and Contract/Procurement Oversight. It focuses on reviewing government expenditures and associated processes, with emphasis on public procurement and contract execution, administration, and oversight. This unit, consisting of Senior Auditors and Special Agents, conducts reviews, audits, and investigations within its area of responsibility.

The OIG designed ACPPOP around the principles of detection and prevention. Since its inception, the unit has conducted an ongoing effort to help local governments identify and recover misspent taxpayer funds. To date, our efforts have led to the identification of recoverable funds and estimated cost savings totaling approximately \$4.5 million.

To accomplish the program's objectives, OIG staff analyzes payments expended by Broward's local governments and detects instances of fraud, contract violations, and overbilling. In addition to detecting misspent taxpayer dollars, we also identify vulnerabilities in procurement, contract management, or any other government process that make government entities susceptible to the waste of public resources. We then recommend controls to

prevent those vulnerabilities from being exploited.

Occasionally, our reviews identify potential gross mismanagement or misconduct. In those instances, the OIG proceeds with a full investigation and utilizes the expertise of investigative and legal staff, as necessary.

Following are summaries of ACPOP's activities during this reporting period.

Misconduct by Provider and Transit Official in the County's Solicitation of Brake Parts for Public Transit Buses

The OIG issued a final report concluding that James "Jim" Fourcade, Broward County Transit's former director of maintenance, and Fraser Tool and Gauge, LLC (Fraser), a brake parts vendor, worked together to steer a contract to Fraser that was ultimately worth \$241,983.36.

The OIG found that Mr. Fourcade used his position to give Fraser advance access to the county's bus parts inventory and staff so that Fraser could develop specifications for Broward County Transit to use in its solicitation for brake kits. Fraser used this access to draft language within the specifications, including the most critical part of the solicitation—the list of the specific brake parts that were to make up each of the nine brake kits for which Broward County Transit was soliciting—and to include itself as a source for brake parts, even though it was not an original equipment manufacturer. This self-

inclusion appeared in the solicitation with Mr. Fourcade's advance knowledge.

The county awarded the contract to Fraser and ultimately paid the company \$241,983.36 on the contract and renewals. However, the efforts to steer the contract to Fraser constituted multiple forms of misconduct, including violations of the code of federal regulations and the state criminal law against bid tampering, a second-degree felony. Mr. Fourcade also violated county authority and the State Ethics Code's prohibition against the corrupt misuse of public position.

The OIG also identified weaknesses within the county's processes that exposed the county to fraud, waste, and abuse. Among these weaknesses, the OIG determined that Broward County Transit had no process in place to verify that it received brake kits with the specific brake parts Fraser contracted to provide. The OIG learned this through its inspection of a sample of the brake kits, where several brake kits were missing parts. Fraser conceded there were missing parts and committed to compensating the county.

While the OIG's investigation was still ongoing, the county took numerous steps to address issues we identified, including the cancellation of the \$98,950.14 in remaining funds available for the contract, the creation of forms to address potential vendors' involvement in the development of solicitation specifications, and the promulgation of several changes to the county procurement code to include restricting a vendor that participates in the development of a solicitation's

specifications from competing for the solicitation.

The OIG referred this matter to the Office of Inspector General of the U.S. Department of Transportation, the Florida Commission on Ethics, and the Broward State Attorney for whatever action those agencies deem appropriate.

In response to the OIG's request that the county provide a status report on the progress of the reimbursement it sought from Fraser, on October 7, 2021, the county forwarded to the OIG a copy of a refund check from Fraser, made payable to Broward County Transit, in the amount of \$10,620.00. This amount represented what the county had paid to Fraser for 120 Brake Kits 9 the county ordered but never used. As reported in the final report, Brake Kit 9 was the item that only Fraser previously sold as a prepackaged kit, and Fraser was the only vendor to submit a bid that included Brake Kit 9. The County Administrator also reported to the OIG that it had returned 118 of the 120 unused Brake Kits 9 back to Fraser. Having referred this matter to three enforcement agencies, the OIG continues to hold two of the kits for evidentiary purposes.

On October 20, 2021, the county forwarded to the OIG a copy of another check from Fraser in the amount of \$12,213.33. This was for the return and refund of 43 brake kits and 9 brake chambers.

County Gross Mismanagement and Misconduct in Time and Attendance of Parks Employee Dually Employed as a Pembroke Pines Firefighter

The OIG issued a final report finding gross mismanagement of the county's time and attendance recordkeeping of Sean Gilmartin, a parks manager at Broward County's C.B. Smith Park and a City of Pembroke Pines firefighter, as employees did not follow the internal controls that the county had in place for timekeeping and left the county vulnerable to abuse.

From September 2014 through July 2019, the OIG found (1) there were 18 occasions, including five 10-hour shifts, when the county and the city paid Mr. Gilmartin for work that occurred on the same day and at the same time according to county timecard summaries and city payroll records; (2) for pay periods for which the county paid Mr. Gilmartin a total of \$247,162.16, Mr. Gilmartin intentionally did not review his timecards for accuracy or approve them except on two occasions; (3) his supervisors failed to require him to review and approve his timecards; and (4) his supervisors approved his timecards without regard for whether he approved them and without regard for their accuracy.

Even though the county policy required and the parks director expected that supervisors document when employees flexed their time, that is, when they actually worked in lieu of scheduled or reported time that was not worked, Mr.

Gilmartin's supervisors did not do so for Mr. Gilmartin. This included occasions when his timecard reflected that he worked at the county when we established that he was working at the city instead. Parks records were inconsistent, unreliable, and unhelpful in determining whether Mr. Gilmartin worked all the time for which he was paid.

Additionally, the OIG determined that Mr. Gilmartin engaged in misconduct when he violated the Broward County Administrative Code by (1) using paid parental leave at the county and then working those same hours at the city instead of fulfilling the purpose of the parental leave policy and (2) not seeking or obtaining county approval for his outside employment for his first four years.

While disputing the OIG's findings, the county has begun to implement measures to improve compliance with timekeeping and timecard approval requirements. The county is providing additional training for staff regarding these issues, and the administration has reminded payroll liaisons to identify employees who have not approved their timecards and report compliance issues. It is also developing messaging to all employees to remind them to review their timecards for accuracy and approve their timecards each pay period.

Broward County's Flawed Formal Bidding Process for Janitorial Services at the Airport

The OIG issued a closing memorandum regarding its inquiry into an allegation that the county awarded a contract that was set aside for a County Business Enterprise (CBE) vendor to a non-CBE. Although we did not substantiate the allegation, our review of the solicitation process revealed significant deficiencies in the way that the county's Purchasing division determined the highest ranked, responsible, responsive bidder.

After publishing the solicitation for janitorial services for the rental car center at the Fort Lauderdale/Hollywood International Airport, Purchasing modified the "minimum qualifications" section of the solicitation, which ultimately caused confusion among those vetting the proposals about whether the qualifications were requirements or preferences. The selection committee ultimately ranked Fuel Facility Management, Inc. (FFM) first, by default, as it was the only CBE vendor of the three vendors that presented.

Purchasing did not notice that FFM's proposal and vendor reference verification forms reflected that FFM did not possess the minimum qualifications, exacerbating the error. After the OIG's involvement, Purchasing contacted the references and confirmed FFM's inadequate qualifications. Upon the selection committee reconvening, it failed to recognize that FFM's shortfall in qualifications meant they were non-

responsible like all other CBE vendors that bid for the contract, and it reaffirmed its decision to award the contract to FFM.

After being informed of the modified minimum qualifications issue, the county commission approved the selection committee's rankings and instructed the county to begin contract negotiations; however, those negotiations ultimately stalled, and the county signed the contract with the second ranked bidder, a non-CBE.

It is important for local governments to thoroughly review the language within its solicitations and thoroughly review all responses, considering the repercussions that may follow an incautious review. A contract set-aside for a CBE is to allow a CBE firm to grow and expand its business. The cascading deficiencies we observed here effectively caused the county to afford only FFM that chance.

ETHICS

Consistent with its charter mandate, the OIG investigates, reports on, and refers state and local ethics code violations that apply to Broward's officials and employees and enforces the Broward Ethics Code.

Ethics Enforcement

The OIG reviewed the tips and complaints it received during the reporting period and determined that 32 were ethics related and within our jurisdiction, six of which were pending further review. We closed 16

ethics-related tips and complaints and opened five of them as matters involving potential misconduct as defined by state and local ethics laws. The remaining five ethics-related tips and complaints were related to other pending tips, complaints, or matters.

In addition to two ethics-related matters we reported above, *Employee Tampered with Bid in Selection of Holiday Lighting Vendor in Fort Lauderdale* and *Misconduct by Provider and Transit Official in the County's Solicitation of Brake Parts for Public Transit Buses*, our ethics enforcement activity during the reporting year included the following:

OIG Helps Broward Elected Officials Achieve 100% Compliance in Their Internet Posting of Required Financial Disclosure Forms

Due to the OIG's efforts, all current Broward elected officials have complied with the requirement to post copies of their 2019 state financial disclosure forms on their governmental entities' websites.

To encourage elected officials to consider how their private interests affect their public duties and to encourage public participation in government oversight, the Broward Ethics Code obligates each mayor and member of the governing bodies of the county and its 31 municipalities to ensure that his or her CE Form 1: Statement of Financial Interests or CE Form 6: Full and Public Disclosure of Financial Interests, as applicable, is

made available to the public on the internet.

In our February 2021 initial review of internet postings of Forms 1 and 6, the OIG determined that 40 of the forms that were due to be online on or by July 1, 2020, were missing. This comprised 27 percent of the forms for the 150 officials still in office. We then communicated and worked with the clerks of the eleven municipalities with missing forms; thereafter, 100 percent of the county's elected officials had posted their 2019 Forms 1 and 6.

Ethics Education

The OIG continued to offer ethics education to assist elected officials meet and understand their obligations under the Broward Ethics Code and the State Ethics Code by hosting an online class following the municipal elections of November 2020. Twenty-two new and veteran council members, mayors, vice mayors, and commissioners signed in and participated in the four-hour, online session titled, "Ethics and Open Government Laws for Broward's Newly Elected Officials."

Since late 2012, we have provided ethics training on 44 occasions for over 836 attendees.

During the reporting period, our General Counsel continued to provide guidance to the public, local government attorneys, local officials, and the press on the OIG's interpretation of applicable ethics laws.

INTERGOVERNMENTAL COOPERATION AND OUTREACH

During this fiscal year, as stated above, we interacted with elected officials through our ethics education program.

The OIG continues to maintain relationships and work with federal, state, and local law enforcement, regulatory, and governmental agencies throughout the state. We referred completed OIG investigations to various prosecutive and regulatory agencies, including the Broward State Attorney's Office, the Florida Commission on Ethics, the Florida Elections Commission, and the OIG for the U.S. Department of Transportation, for their action in matters detailed in the related program sections above.

The OIG is also a member of the South Florida Inspectors General Council and the Financial Institution Security Association. We are involved with the Law Enforcement Coordination Committee, which brings together law enforcement executives at the federal, state, and local levels to discuss issues of mutual interest. We participate as members of the National and Florida Chapter of the Association of Inspectors General and the Council on Government Ethics Laws. We also work with local inspectors general on issues of mutual interest.

Furthering our outreach efforts, the OIG was featured in an online professional education program on public oversight for participants of the U.S. State

Department's International Visitors Leadership Program in the Republic of Indonesia. The program featured the OIG's General Counsel and Miami Beach Inspector General Joseph M. Centorino. Our General Counsel presented on the oversight of public services and the implementation of public complaint systems, covering the inspector general oversight model in the U.S. and emphasizing the Broward OIG's independent structure, specific scope of authority, and protections for witnesses, implicated parties, and complainants. The eleven Indonesian participants, who included journalists and high-level national and local government officials, were highly engaged in the online discussion and shared their own country's efforts to enhance public complaint and oversight systems. Global Ties Miami, a non-profit organization that facilitates such exchanges, coordinated and hosted the program.

The OIG's website, www.browardig.org, is an essential resource both for providing and receiving information and for staying connected with those we serve.

The public and press can stay up to date about our recent activity and access our searchable reports and publications page for final reports, closing memoranda, status reports, press releases, annual reports, and other publications. Site visitors may also find out how to contact us and "Report Misconduct" with

conveniently located buttons on every page of the site.

"Report Misconduct" encourages website visitors to assist the OIG in combating fraud, waste, misconduct, and gross mismanagement by providing information in several ways. The OIG's website also provides a convenient portal for the public to gain access to all county and municipalities' ethics disclosure web pages, and it provides open access to ethics training opportunities, OIG ethics training materials, applicable ethics laws, and helpful OIG publications on state and county ethics provisions.

Dockets for open Broward County Charter Section 10 Enforcement Hearings Forum cases are also available online. These dockets give the public open access to the text of all documents filed with the OIG Agency Clerk and provide for public notice of upcoming hearings in ongoing cases. You can find the dockets for open cases under the "Public Records" tab at our website, www.browardig.org.

To find out more about the OIG or to provide information regarding misconduct and gross mismanagement, please visit our website at www.browardig.org. The OIG also uses social media messaging to inform the public of the issuance of reports and important activities. To stay connected to the OIG, follow us on Twitter @BrowardIG.



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