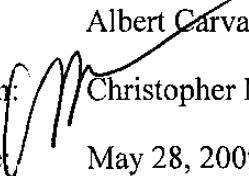


Memorandum

19 West Flagler Street ♦ Suite 220 ♦ Miami, Florida 33130
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visit our website at www.miamidadeig.org

To: Albert Carvalho, Superintendent, Miami-Dade County Public Schools
From:  Christopher Mazzella, Inspector General
Date: May 28, 2009
Subject: OIG Final Report Re: *Improper Use of School Facilities by Miami-Dade County Public Schools Employees at Norland Elementary School*, Ref. IG09-09SB

Attached please find the Office of the Inspector General's (OIG) final report regarding our investigation into the allegation that three employees of the Miami-Dade County Public Schools (M-DCPS) were using Norland Elementary School (Norland) facilities and resources to support the operations of their private businesses. The facilities and resources in question included e-mail, fax machines, computers, as well as their own M-DCPS working hours.

The OIG investigation confirmed that from at least 2007 to the present, M-DCPS employees Alexandra Gibson, Katina Benton, and Christina Seays used their M-DCPS-networked e-mail addresses, Norland fax machine and fax number, and Norland computers to conduct the operations of Ruby Lee Cleaning Services and Ladies Making a Change, Inc., during school hours. In addition, Norland's fax number and Ms. Gibson's M-DCPS e-mail address was listed as Ruby Lee Cleaning's contact information in connection with Miami-Dade County contracts and vendor information.

In our report, we recommend that M-DCPS, in addition to taking any action it deems appropriate, emphasize to all its employees that the personal use of M-DCPS facilities and resources is a privilege, not a right, which may be exercised only in limited instances, and then only in compliance with M-DCPS policy. The OIG requests that we are provided with a status report in 60 days, on or before July 27, 2009, as to any determinations or action taken based upon the findings of our report.

Furthermore, by copy below to Interim Chief Auditor Mr. Jose Montes de Oca, the OIG requests that this report be forwarded to the Ethics Advisory Committee and placed on its next agenda for discussion as deemed appropriate.

Attachment

cc: Hon. Solomon C. Stinson, Chair
and Members, Miami-Dade County School Board
Luis Garcia, Interim School Board Attorney
Mr. Jose Montes de Oca, Interim Chief Auditor
Karen S. Powers, Principal, Norland Elementary School
Alexandra Gibson (under separate cover)
Katina Benton (under separate cover)
Christina Seays (under separate cover)

MIAMI-DADE COUNTY PUBLIC SCHOOLS
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INTRODUCTION & SYNOPSIS

In February 2009, the Miami-Dade County Public Schools Office of the Inspector General (OIG) began an investigation after receiving information that three employees of the Miami-Dade County Public Schools (M-DCPS) were using Norland Elementary School (Norland) facilities and resources to support the operations of their private businesses. The facilities and resources in question included e-mail, fax machines, computers, as well as their own M-DCPS working hours.

The OIG investigation confirmed that from at least 2007 to the present, M-DCPS employees Alexandra Gibson, Katina Benton, and Christina Seays used their M-DCPS-networked e-mail addresses, Norland fax machine and fax number, and Norland computers to conduct the operations of Ruby Lee Cleaning Services (Ruby Lee Cleaning) and Ladies Making a Change, Inc. (Ladies Making a Change) during school hours.¹ In addition, Norland's fax number and Ms. Gibson's M-DCPS e-mail address were listed as Ruby Lee Cleaning's contact information in connection with Miami-Dade County contracts and vendor information.

OIG Special Agents interviewed Ms. Gibson, Ms. Benton, and Ms. Seays. Each of the M-DCPS employees admitted to knowingly using the M-DCPS facilities and resources to conduct the business of Ruby Lee Cleaning and Ladies Making a Change during school hours. In addition, Ms. Gibson acknowledged that she continued to conduct personal business at Norland despite having been admonished by Norland's principal.

The OIG investigation determined that the conduct of Ms. Gibson, Ms. Benton, and Ms. Seays appears to be in violation of established M-DCPS rules, policies, and procedures. By way of this report, the OIG recommends that M-DCPS emphasize to all its employees that the personal use of M-DCPS facilities and resources is a privilege, not a right, which may be exercised only in limited instances, and then only in compliance with M-DCPS policy.

OIG JURISDICTIONAL AUTHORITY

The OIG provides inspector general services to M-DCPS pursuant to the Interlocal Agreement (ILA) between Miami-Dade County and M-DCPS. The ILA for inspector general services is expressly authorized by M-DCPS School Board Rule 6GX13-8A-

¹ At all times relevant, Ms. Gibson was the registered agent for, and vice-president of, Ruby Lee Cleaning, and the registered agent of, and secretary for, Ladies Making a Change. Ms. Benton was the 100% owner and president of Ruby Lee Cleaning, and the president of Ladies Making a Change. Ms. Seays was the vice-president of Ladies Making a Change, but also provided services for Ruby Lee Cleaning.

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1.08. The scope and jurisdiction of the OIG's activities is dictated by the ILA. Among the authority jurisdiction, responsibilities and functions conferred upon the OIG through the ILA is the authority and jurisdiction to make investigations of M-DCPS affairs, including the power to review past, present and proposed programs, accounts, records, contracts and transactions. The OIG has the power to require reports and the production of records from the M-DCPS Superintendent, School Board members, School District departments and allied organizations, and School District officers and employees, regarding any matter within the jurisdiction of the OIG.

BACKGROUND

Norland Elementary School

Norland is an M-DCPS elementary school located at 19340 N.W. 8th Court, Miami, Florida 33169. Norland educates students enrolled in pre-kindergarten through the fifth grade.

Ruby Lee Cleaning Services

Ruby Lee Cleaning is a for-profit Florida corporation that provides janitorial and cleaning services to, among others, County agencies including the Miami-Dade Housing Agency (MDHA). Ruby Lee Cleaning maintains a principal address of 13899 Biscayne Boulevard, Suite 300A, North Miami Beach, Florida 33181. Ms. Benton is the 100% owner of Ruby Lee Cleaning.

Between 2007 and now, Ruby Lee Cleaning has received three successive contracts from MDHA for janitorial work at various County locations, including public housing facilities and offices. The current contract, effective January 1, 2009, does not expire until January 11, 2014.

Ladies Making a Change

Ladies Making a Change was a non-profit corporation chartered in Florida in November 2007, with a principal address of 2261 South Sherman Circle, Apt. #509 Miramar, Florida 33025. The OIG investigation determined that Ms. Seays resided at that address at the time Ladies Making a Change was incorporated. The corporation is currently inactive due to failure to submit an annual report.

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Alexandra Gibson

Ms. Gibson has been an M-DCPS employee since May 2001 and is currently assigned to Norland as a school secretary. At Norland, Ms. Gibson serves as the principal's secretary. She is also the registered agent for, and vice-president of, Ruby Lee Cleaning. Ms. Gibson was formerly the registered agent of, and secretary for, Ladies Making a Change.

Katina Benton

Ms. Benton has been an M-DCPS employee since May 2000 and is currently assigned to Norland as a school security monitor. She is the 100% owner and president of Ruby Lee Cleaning. Ms. Benson was formerly the president of Ladies Making a Change.

Christina Seays

Ms. Seays has been an M-DCPS employee since December 1998 and is currently assigned to Norland as a health screening tech. She was formerly the vice-president for Ladies Making a Change. She is also involved with Ruby Lee Cleaning.

GOVERNING AUTHORITIES

M-DCPS School Board Rule 6Gx13-4C-1.064, *Policy For Utilization Of The E-Mail System*, states in part:

The intended use of the M-DCPS e-mail system is for District-related purposes, not for personal use or other purposes. In limited instances, some personal use of the M-DCPS e-mail system may be permitted. This use is a privilege, not a right.

Rule 6Gx13-4C-1.064 defines "limited, incidental personal use" of the e-mail system as the sending of short, brief e-mails to friends or relatives. The Rule includes prohibitions on such limited use:

Limited incidental personal use must not tie-up or otherwise obstruct system resources in any way, interfere with an individual's job performance and/or duties, advertise or promote a product or service ... or be used in any way that is detrimental to M-DCPS. In addition, employees are prohibited from storing e-mail that is personal in nature in the District's e-mail system.

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M-DCPS School Board Rule 6Gx13-4C-1.171, *Nonschool Employment—Non-Instructional Employees*, states that:

No employees of The School Board of Dade County, Florida may use regular work hours to earn compensation from sources other than the Board except for services construed to be desirable public service approved by the Superintendent of Schools.

INVESTIGATION

This investigation was conducted in accordance with the *Principles and Standards for Offices of Inspector General* as promulgated by the Association of Inspectors General.

During the course of the investigation, OIG Special Agents reviewed documents and materials including, but not limited to, State of Florida Division of Corporation records and Florida Department of Revenue, Wage, and Hour Division records; M-DCPS records; M-DCPS internet resources and e-mail materials; County contracts and vendor-related documents; and Norland records and correspondence, fax documents, e-mail traffic, and computer materials. In addition, OIG Agents conducted interviews of numerous witnesses, including Norland personnel and M-DCPS representatives, as well as interviewing Ms. Gibson, Ms. Benton, and Ms. Seays.

Misuse of M-DCPS Facilities and Resources

The facilities and resources in question included M-DCPS e-mail accounts, the fax machine, computers, and the regular work hours of Ms. Gibson, Ms. Benton, and Ms. Seays.

1. M-DCPS E-mail

Copies of e-mails obtained and reviewed by OIG Special Agents revealed that Ms. Gibson sent and received correspondence relating to Ruby Lee Cleaning through her workplace computer using her M-DCPS e-mail address. The e-mails were sent and received during Ms. Gibson's regular working hours at Norland, as well as before and after hours. Ms. Benton also sent and received e-mails regarding Ruby Lee Cleaning using her M-DCPS e-mail address, although not with the same frequency of Ms. Gibson. However, Ms. Benton was copied on many of Ms. Gibson's e-mail communications regarding Ruby Lee Cleaning.

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2. *Norland Fax Machines*

The investigation also determined that Ms. Gibson and Ms. Benton made extensive use of Norland's fax machines to conduct personal business. One example of that use is a letter on Ruby Lee Cleaning letterhead listing a Norland fax number at the bottom. (Exhibit 1) That fax number—305-651-4553—corresponds to a fax line located in the office area just outside of the principal's office where Ms. Gibson (the principal's secretary) sits. Significantly, the letter, which is dated April 17, 2007, directs all Ruby Lee Cleaning employees to report to Norland to pick up their pay checks.

3. *Norland Computers*

A review of the files that were copied from the Norland computers used by Ms. Gibson and Ms. Seays revealed numerous items dealing with Ruby Lee Cleaning and Ladies Making a Change, including contracts, invoices and correspondence for both organizations.² In addition, the computer used by Ms. Gibson contained documents relating to Ruby Lee Cleaning monthly payroll records, employee evaluations, and even employee disciplinary memoranda. Ms. Gibson maintained on her computer a folder for the benefit of Ms. Benton, who did not have an assigned personal desktop computer at Norland. Examples of the documents found by the OIG are a Ruby Lee Cleaning payroll record, reflecting a pay date of March 16, 2007, stored in Ms. Gibson's computer (Exhibit 2) and a list of Broward County vendor registration forms stored in Ms. Seays' computer (Exhibit 3).

4. *M-DCPS Working Hours*

Finally, the investigation determined that Ms. Gibson, Ms. Benton, and Ms. Seays all conducted personal business during regular M-DCPS working hours. As further described below, each of the three employees admitted to that conduct in response to questioning by OIG Special Agents. In addition, various materials collected during the course of the investigation, including time-stamped e-mails and fax copies bearing a time and date stamp, confirm that they operated Ruby Lee Cleaning and Ladies Making a Change on M-DCPS time.

² The OIG retrieved in excess of 50 stored files collectively from the two employees' computers. Copies of these electronic files have been transferred to a CD, which is included with this report as **Exhibit 4**. The CD will only be furnished in the report package provided to the Superintendent's Office. The CD was previously provided to all recipients of the draft report.

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Misappropriation of M-DCPS Addresses

Ms. Gibson and Ms. Benton listed a Norland fax number and Ms. Gibson's M-DCPS e-mail address as vendor contact information in connection with Ruby Lee Cleaning getting a Miami-Dade County contract for janitorial services. (See Ruby Lee Cleaning's contract with MDHA for Janitorial Services for the period between January 1 and December 31, 2008, attached as Exhibit 5). The use of M-DCPS resources for vendor contact information also occurs in the County's vendor database. (See County *Vendor Registration Package* for Ruby Lee Cleaning, attached as Exhibit 6.)

Ruby Lee Cleaning also availed itself to these M-DCPS resources (fax number and e-mail address) while defending itself against County charges of non-compliance with living wage overtime pay requirements, as well as during the application process for certification and re-certification as a County Disadvantaged Business Enterprise. (See re-certification application, attached as Exhibit 7).

Observation and Admonishment by Norland's Principal

The investigation determined that Norland Principal Karen S. Powers was aware that Ms. Gibson was involved in the operation of Ruby Lee Cleaning. According to her interview statement to OIG Special Agents, on multiple occasions Ms. Powers had observed Ms. Gibson—her personal secretary—working on Ruby Lee Cleaning business during school hours, including using her school computer and the school facsimile machine. Ms. Powers stated that she repeatedly directed Ms. Gibson to stop the activities whenever she discovered them. Ms. Powers also stated that she warned Ms. Gibson not to conduct personal business on school time. However, Ms. Powers admitted that she did not discipline Ms. Gibson for her conduct. Ms. Powers stated that on at least one occasion she wrote a memorandum of warning to Ms. Gibson, but was unable to produce a copy of the memorandum to OIG Special Agents. *Ms. Powers, in her comments to the draft report, produced copies of three memorandums that she had written to Ms. Gibson between March 2008 and February 2009. These memorandums are included in Appendix A. None of the three memorandums, however, mention Ms. Gibson conducting outside business; they only reference Ms. Gibson's abuse of her work schedule.*

In addition to Norland's principal, other Norland staffers, who work in the same work vicinity as Ms. Gibson, told OIG Special Agents that they often observed Ms. Gibson and Ms. Benton openly conducting the business of Ruby Lee Cleaning using Norland facilities during regular work hours, as well as receiving UPS and DHL deliveries for Ruby Lee Cleaning at the school.

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Interview of Alexandria Gibson

Ms. Gibson stated that she is an owner and vice-president of Ruby Lee Cleaning.³ She stated that Katina Benton is the president. Ms. Gibson explained that Ruby Lee Cleaning maintains offices in a building that provides its tenants with a fax machine, photocopier, and telephone service. Nevertheless, Ms. Gibson admitted that she routinely used M-DCPS facilities and resources to conduct the business of Ruby Lee Cleaning at Norland.⁴

Ms. Gibson stated that she carries a portable data storage device so that she can use her school computer to update contracts and bids. She also stated that she has used MS-Excel and MS-Word programs on the school's computer to create company documents and letterhead. Ms. Gibson acknowledged that despite the fact that Norland's principal has told her on more than one occasion to stop the practice, she has continued using school facilities and resources for personal business. She also admitted that she has made covert efforts to hide her conduct from the principal.

Ms. Gibson also stated that she was formerly the secretary for Ladies Making a Change, which closed after two months of operation, as well as Zenobia Investment, Inc. (Zenobia), a now defunct organization that promoted social mingling by professional adults. Although Ms. Gibson denied using M-DCPS resources for any corporations other than Ruby Lee Cleaning, the OIG's review of e-mails and information copied from her Norland workstation revealed that files relating to the business of Ladies Making a Change and Zenobia had been saved on her computer's hard drive.

Interview of Katina Benton

Ms. Benton stated that she is the president of Ruby Lee Cleaning, but that Ms. Gibson handles most of its paperwork. Ms. Benton stated that she is responsible for training Ruby Lee Cleaning's employees in custodial operations, using skills that she learned through custodial training provided by M-DCPS. The number of company employees varies, but Ruby Lee Cleaning currently has three employees.

Ms. Benton also confirmed Ms. Gibson's statement that Ruby Lee Cleaning has access to administrative support equipment in its rented business office, which she visits

³ However, the County vendor registration package for Ruby Lee Cleaning, attached as Exhibit 5, lists Ms. Benton as the 100% owner. As such, a copy of this report will be referred to the Miami-Dade County Department of Procurement Management for its review of this specific issue.

⁴ When asked this question she candidly responded "yes, no doubt about it."

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approximately once a month. Ms. Benton denied conducting the business of Ruby Lee Cleaning during her regular working hours at Norland, since, as she explained, her work is done at night. However, she admitted that she does use her M-DCPS assigned e-mail address to engage in communications on behalf of Ruby Lee Cleaning, which is done through the Norland library computer during her breaks. She also admitted that she knew Ms. Gibson conducted Ruby Lee Cleaning business during work hours. Finally, Ms. Benton stated that she was also an owner of Ladies Making a Change, Zenobia, and Ruby Lee Enterprise Lawn Service, but that none were active businesses.

Interview of Christina Seays

Ms. Seays stated that she is not an owner or officer of Ruby Lee Cleaning, but admitted that she had used her Norland computer to perform various services for the company. Those services included drafting a business memorandum; researching potential government cleaning services contracts in Broward County; and registering Ruby Lee Cleaning with Broward municipalities including Hollywood, Dania, and Miramar. The OIG investigation did not uncover any evidence that Ms. Seays received any financial compensation for the services she provided.

Ms. Seays also stated that she was formerly the secretary for Ladies Making a Change, although the Florida corporate records identify her as having been its vice-president. In addition, although Ms. Seays denied having used her M-DCPS e-mail address to conduct personal business, the OIG's review of e-mails revealed that on at least one occasion, Ms. Seays had used M-DCPS e-mail to communicate with Ms. Gibson and Ms. Benton about Ladies Making a Change.

RESPONSE TO THE DRAFT REPORT

This report as a draft was provided to Ms. Gibson, Ms. Benton, Ms. Seays, and Ms. Powers for their discretionary written responses. The OIG received a response only from Ms. Powers, which is attached as Appendix A.

In her response, Ms. Powers provided copies of three memorandums she had written to Ms. Gibson between March 2008 and February 2009. Ms. Powers stated that she addressed the memorandums to Ms. Gibson because "she took advantage of an extended lunch time to take care of business related to Ruby Lee Cleaning." However, the memorandums themselves make no reference to any of Ms. Powers' stated concerns about conducting outside business.

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CONCLUSIONS & RECOMMENDATIONS

The OIG investigation determined that M-DCPS employees Alexandra Gibson, Katina Benton, and Christina Seays used M-DCPS-issued e-mail addresses, the Norland fax machine and fax number, and Norland computers to conduct the operations of Ruby Lee Cleaning and Ladies Making a Change during school hours. The investigation further determined that the conduct of Ms. Gibson, Ms. Benson, and Ms. Seays appears to have violated established M-DCPS rules, policies, and procedures. Upon review of the response received from Ms. Powers, we do not believe that material changes to the draft report were necessary.

By way of this report, the OIG recommends that M-DCPS take any administrative action deemed appropriate. Second, we recommend that M-DCPS emphasize to all its employees that the personal use of M-DCPS facilities and resources is a privilege, not a right, which may be exercised only in limited instances, and then only in compliance with M-DCPS policy. The OIG requests that we are provided with a status report in 60 days, on or before July 27, 2009, as to any determinations or action taken based upon the findings of our report.