

OFFICE OF THE INSPECTOR GENERAL

Presented by:

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Created to investigate misconduct and gross mismanagement

- 1) Misconduct – Any violation of the state or federal constitution, any state or federal statutes or code, any county or municipal ordinance of code; or any conduct involving fraud, corruption or abuse.
- 2) Gross Mismanagement – Material waste or significant mismanagement of public resources.

Jurisdiction of Inspector General

1) All elected and appointed officials (“Officials”) and employees (“Employees”) of the Charter Government of Broward County and of all municipalities, including any city, town or village duly incorporated under the laws of the state within Broward County.

2) All entities and persons (other than employees of the County of any Municipality) that provide goods or services to the County or any Municipality under contract for compensation, but solely with respect to the provision of such goods or services (“Providers”).

Commencement of an Investigation

The IG may commence an investigation if good cause exists that any Official, Employee or Provider has engaged in misconduct or gross mismanagement.



Good Cause

The Inspector General may find good cause:

- 1) On his/her own initiative; or
- 2) Based on a signed, verified complaint stating allegations that, if true, would constitute misconduct or gross mismanagement.

Complaint

A complaint may only serve as a basis for a good cause finding if it is signed by an identified person who verifies the content of the complaint by including the following statement:

“Under penalties of perjury, I declare that I have read the foregoing complaint and that based on my personal knowledge the facts stated in it are true.”

Inspector General Investigation

IG shall have the power to subpoena witnesses, administer oaths, and require (through subpoena or otherwise) the production of documents and records.

IG may audit any program, contract, or the operations of any division, department, or office of the county or municipalities.

IG may audit the operations or performance of any Provider relating to the Provider's contract for compensation with the County or Municipality.

IG Investigation (Continued)

All Officials, Employees, and Providers shall fully cooperate with investigations.

IG shall interview all persons implicated by a complaint, and all persons implicated during the investigation.

IG may attend all duly-noticed local government meetings relating to the procurement of goods or services, and may pose questions and raise concerns consistent with the functions, authority, and powers of the IG.

Confidentiality of Investigation

To the full extent provided under applicable law, including under Section 112.3188(2), F.S., as amended, the Inspector General's records related to active investigations shall be confidential and exempt from disclosure.



“Malicious” Complaints

If the IG determines that a person has filed a complaint with a malicious intent to injure an Official's, Employee's or Provider's reputation with baseless, spurious or false accusations or with a reckless disregard for the truth of the allegations, the complainant shall be liable for all costs incurred by the IG in investigation of the complaint.

Recovery of Costs for Malicious Complaint

- 1) IG issues a demand letter for reimbursement of costs.
- 2) If complainant objects in writing to the demand within thirty (30) days, the matter shall be referred to Hearing Officer for adjudication.
- 3) If no objection, IG's determination shall be final and binding, and may be enforced by a court of competent jurisdiction.

Recovery of Costs – Prevailing Official

A Official or Employee who prevails in full in any administrative hearing in connection with a complaint filed with the IG shall be entitled to reimbursement of all reasonable attorney's fees and costs incurred.



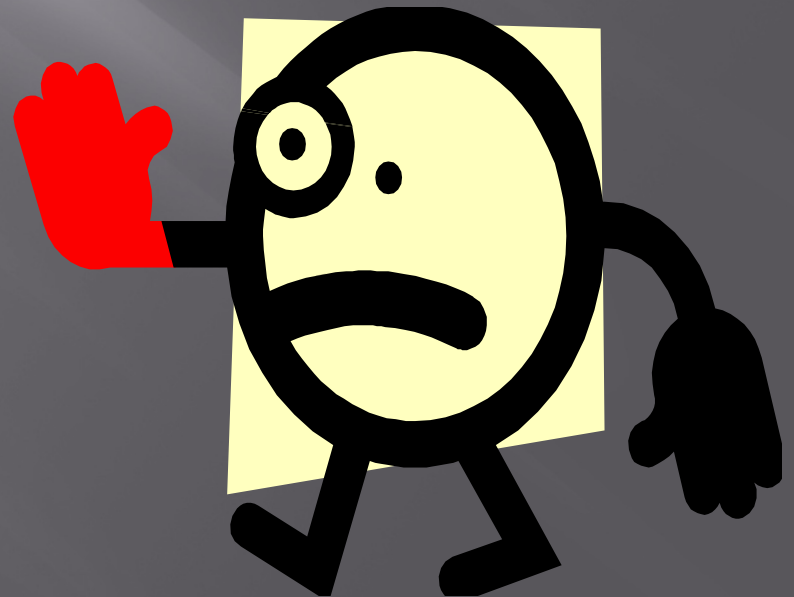
IG Finding of Probable Cause

After completing his/her investigation and determining that there is probable cause to believe misconduct has occurred, the IG shall notify the appropriate civil, criminal or administrative agencies charged with the enforcement related to the alleged misconduct.

If no agency has jurisdiction over the alleged misconduct, the matter shall be referred to a Hearing Officer for quasi-judicial enforcement proceedings.

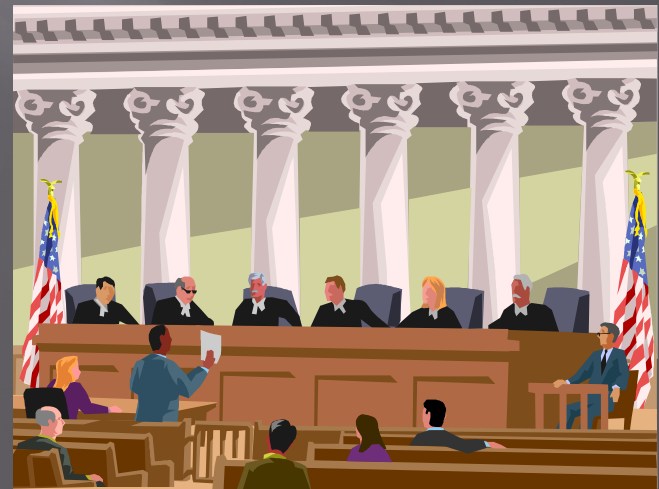
Criminal Offenses

IG shall refer findings of alleged criminal offenses to the Office of the State Attorney and/or the Office of the United States Attorney.



Civil Offenses – Ch. 112, F.S.

The IG shall refer findings of alleged civil offenses involving a violations of Chapter 112, Part III, F.S., to the Florida Commission on Ethics.



Election Code Violations

The IG shall refer findings of alleged violations of the Florida Election Code, Chapters 97 through 106, F.S., to the Florida Elections Commission (except as to alleged violations that may be criminal in nature, which shall be referred to the Office of the State Attorney).



Other Violations

The IG shall refer other alleged offenses to the appropriate civil, criminal or administrative agency that would have jurisdiction over the matter.



Action Brought by the IG

Any civil infraction which does not fall within one of the previously detailed categories shall be stated in a complaint brought in the name of the IG.

IG may retain independent counsel to represent him/her in prosecuting the complaint before a hearing officer.

Accused shall file a response within thirty (30) days after being served.

Hearing Procedures

Except to any extent inconsistent with the Broward County Charter, the Florida Rules of Civil Procedure and the Florida Evidence Code, as amended, shall apply to all matter referred to a Hearing Officer.



Authority of the Hearing Officer

- 1) Issue scheduling orders, case-management orders, and briefing schedules;
- 2) Issue notice of hearings;
- 3) Hold hearings on any procedural or substantive matters related to the Complaint;
- 4) Administer oaths and affirmations;
- 5) Issue subpoenas (attendance of witnesses and production of documents);
- 6) Rule on motions presented;

Authority of Hearing Officer Continued

- 7) Issue appropriate orders to effectuate discovery;
- 8) Regulate the course of the hearing;
- 9) Dispose of procedural requests; and
- 10) Enter any order consistent with his/her authority.

Final Order of Hearing Officer

Shall be issued within thirty (30) days after completion of the hearing process.

Shall contained detailed findings of fact and conclusions of law.

If the hearing officer determines that misconduct has occurred, the final order shall specify the sanctions imposed, if any.

Hearing Officer Standard of Review

The Final Order of the Hearing Officer shall determine whether the IG has proved the allegations of the complaint by a preponderance of the evidence.



Sanctions

- 1) Fines
- 2) Public Reprimand/Censure



Fines

- 1) An Official, Employee, or Provider determined to have committed misconduct shall be assessed a monetary fine of between \$250 and \$5,000.
- 2) In determining the amount of the fine, the Hearing Officer shall consider the gravity of the violation, whether it was intentional, and whether it was a repeat offense.
- 3) Hearing Officer may determine that no fine shall be imposed upon making an affirmative, express finding that the violation was unintentional and *de minimis*.
- 4) In addition to a fine, the Hearing Officer may order the Official, Employee, or Provider to pay restitution or to disgorge any sums wrongfully received (directly or indirectly) by that person or entity.

Public Reprimand/Censure

An Official or Employee who is found to have violated any provision of this Code may be subject to public reprimand or censure.



Inspector General Reports

The IG shall issue reports, including recommendations, in the following circumstances:

- 1) At the conclusion of an investigation involving allegations of gross mismanagement; and
- 2) At the conclusion of an investigation involving allegations of misconduct, if the IG determines that a report will assist the County or any Municipality in preventing similar future misconduct.

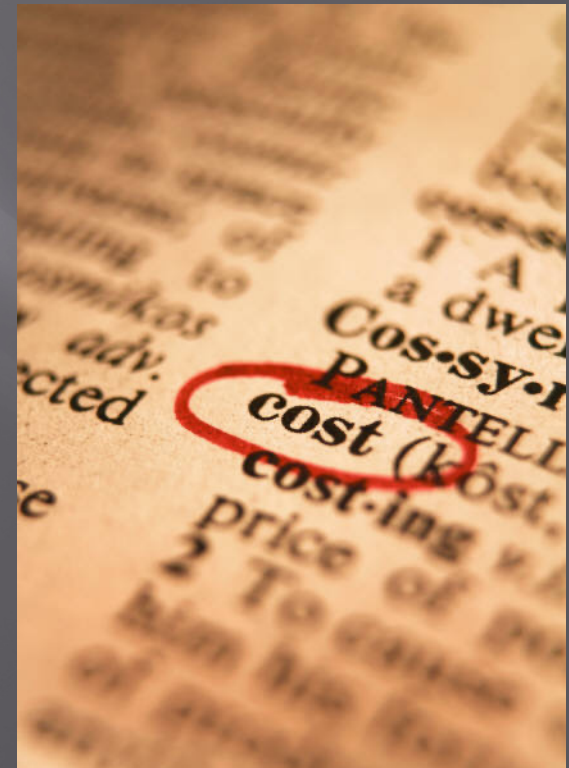
Recommendation Follow-up

The IG may follow up on any recommendations he/she makes to determine whether such recommendations have been implemented.



Cost of Investigations

The IG shall establish policies and procedures to monitor the costs of investigations undertaken.



IG – Minimum Qualifications

The IG shall be a person who has at least 10 years of experience in any one or a combination of the following:

- 1) As a federal, state, or local law enforcement officer or official;
- 2) As a federal or state court judge;
- 3) As a federal, state or local government attorney with expertise in investigating fraud, mismanagement and corruption;
- 4) As an inspector general, CPA or internal auditor;
- 5) As a person with progressive supervisory experience in an investigative public agency similar to an IG;
- 6) As a person who has managed and completed complex investigations involving fraud, theft or conspiracy; or
- 7) As a person who has demonstrated an ability to work with local, state and federal law enforcement agencies and the judiciary.

IG – Minimum Qualifications Continued

- 1) Minimum of a 4-year degree from an accredited institution of higher learning.
- 2) Experience in the management of a private or public entity.
- 3) Has not been employed by the County or any Municipality during the two (2) year period immediately prior to selection.
- 4) Has not been found guilty or entered a plea of *nolo contendere* to any felony, or any misdemeanor involving the breach of public trust.

IG Selection Committee

The responsibility for selecting the IG shall be vested solely with the Inspector General Selection-Oversight Committee.



Composition of Selection-Oversight Committee

Five, non-elected officials:

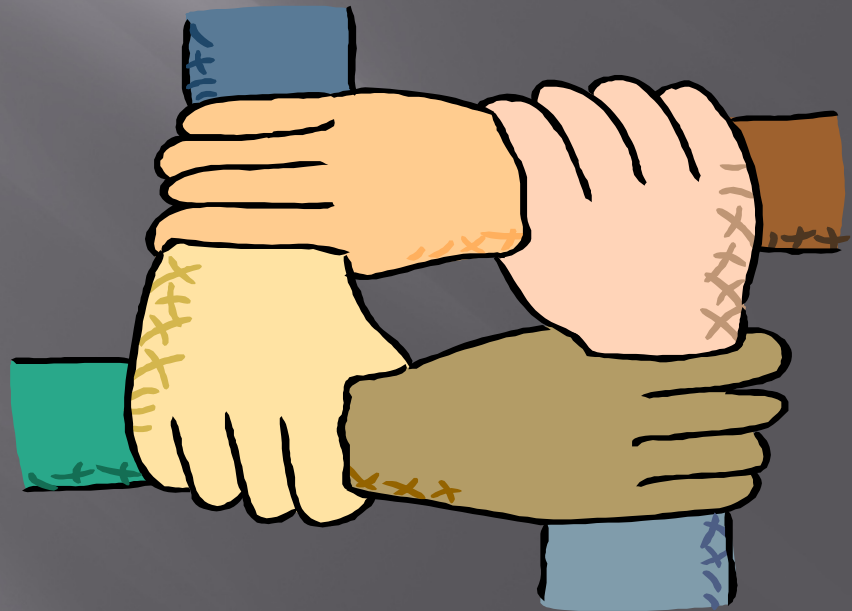
- 1) One person appointed by Broward League of Cities;
- 2) One person appointed by the State Attorney for the 17th Judicial Circuit;
- 3) One person appointed by the Public Defender for the 17th Judicial Circuit;
- 4) One person appointed by the Broward County Bar Association; and
- 5) One person appointed by an affirmative vote of at least 3 members, referenced above.

Selection-Oversight Committee (continued)

- 1) Any appointee may be removed at any time by the appointing or designating authority.
- 2) Shall elect a chair person and establish its own rules of procedure.
- 3) Broward County HR division shall provide staff support.
- 4) Shall select qualified Hearing Officers to preside over hearings.

Diversity

In selecting the Inspector General and Hearing Officers, the Selection-Oversight Committee shall take into consideration the rich diversity of the County's residents.



Inspector General - Term

The IG shall be appointed for a term of four (4) years, commencing from the time the IG and the County enter into a contract. The Selection-Oversight Committee shall convene at least six (6) months prior to the end of the four-year contract term to determine whether to renew the contract of the IG or to solicit new candidates.

Inspector General - Contract

Once the Selection-Oversight Committee selects an IG, the Committee shall notify the County Administrator and the County Attorney. The Director of the County Human Resources Department and the County Attorney shall negotiate an employment contract with the IG.



Inspector General - Removal

The IG may be removed based on specified charges of the following: neglect of duty, abuse of power or authority, discrimination, or ethical misconduct.

Removal shall be considered at a duly noticed public hearing of the Selection-Oversight Committee.

The IG shall be provided sufficient advance notice of the reasons for the possible removal, and shall be given an opportunity to be heard on the charges.

Inspector General – Vacancy

In the event of a vacancy in the position of IG, the Chairperson of the Selection-Oversight Committee shall appoint an interim IG until such time as a successor IG is selected and assumes office.



Annual Report

- 1) The IG shall annually publish a written report to the County and Municipalities detailing activities of the Office of the Inspector General.
- 2) The Selection-Oversight Committee shall convene within sixty (60) days of its receipt of the annual report to consider the report and performance of the IG.

Financial Support and Budgeting

The IG's budget is subject to approval of the County Commission.

Within 60 days of selection, the IG shall submit a proposed budget to the County Commission covering the remainder of the County's fiscal year in which the IG is selection. In each subsequent year, the IG shall submit a proposed budget to the County Commission in accordance with the County's regular budget process.

IG Budget (Continued)

Each proposed budget shall include a reasonable estimate of operating and capital expenditures of the IG, funds to enable Hearing Officers to be retained, and funds to enable the IG to retain outside counsel.

The County Commission shall provide sufficient funds for the IG to carry out his/her duties in an efficient manner.

In order to fund the IG office, the County may impose a fee of .25% on the total value of each County contract.

In the event funds raised from such contract fees are insufficient to fund the office, the County Commission may supplement funding from the County's general revenue fund.

THE END

