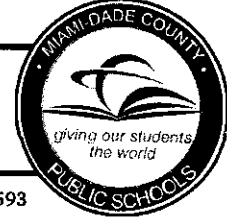


Christopher R. Mazzella
Inspector General
Office of the Inspector General for Miami-Dade County Public Schools



19 West Flagler Street ♦ Suite 220 ♦ Miami, FL 33130 ♦ Phone: (305) 375-1946 ♦ Fax: (305) 579-2593

To: Hon. Perla Tabares Hantman, Chair
and Members, Miami-Dade County School Board

From:  Christopher Mazzella, Inspector General

Date: June 8, 2011

Subject: OIG Final Report Re: *Procurement Violations Committed by the District 5
Office of School Board Member Renier Diaz de la Portilla*, Ref. IG09-47SB

Attached please find the Office of the Inspector General's (OIG) final report in the above-captioned matter. This report stems from an investigation conducted in connection with a mass mailing sent out by School Board Member Diaz de la Portilla that was targeted to Republican super voters residing in Florida Senate District 36. The creation and design of the mailer, as well as its printing and mailing costs were intended to be paid for using School Board Office District 5 funds. Our report on this matter contains our investigative findings and conclusions.

This investigation was conducted in conjunction with the Miami-Dade State Attorney's Office (SAO). The SAO concluded its investigation on May 4, 2011, and the OIG's draft report was provided to School Board Member Diaz de la Portilla pursuant to our obligation under the Interlocal Agreement. The draft was provided on May 5, 2011 and responses were received from School Board Member Diaz de la Portilla and his attorney. Their responses are summarized in the final report and are attached in full as Appendices 1A and 1B.

Attachment

cc: Hon. Katherine Fernandez Rundle, State Attorney, Eleventh Judicial Circuit
Alberto Carvalho, Superintendent, Miami-Dade County Public Schools
Walter J. Harvey, School Board Attorney, Miami-Dade County Public Schools
Jose Montes-de-Oca, Chief Auditor, Miami-Dade County Public Schools

MIAMI-DADE COUNTY PUBLIC SCHOOLS OFFICE OF THE INSPECTOR GENERAL
OIG Final Report Regarding Procurement Violations Committed by the
District 5 Office of School Board Member Renier Diaz de la Portilla

INTRODUCTION & SYNOPSIS

This report addresses procurement violations committed by the District 5 Office of School Board Member Renier Diaz de la Portilla in connection with a mass mailing that was designed and distributed in May and June of 2009, which was to be paid for with District 5 office funds. The Office of the Inspector General (OIG) conducted a joint investigation of this matter with the Miami-Dade State Attorney's Office (SAO) after receiving allegations that Mr. Diaz de la Portilla sent the mailing, which consisted of a letter and an enclosed survey form (collectively, "the mailer," attached as Exhibit 1), to a substantial number of people living outside of District 5. The allegations contended that the mailer was politically targeted and, thus, an inappropriate use of public funds.

The investigation revealed that Mr. Diaz de la Portilla engaged a political consulting firm, Public Concepts LLC (Public Concepts), who was not an approved M-DCPS vendor, to design, prepare, and determine the distribution of the mailer. Public Concepts then reached out to Dodd Communications (Dodd), an M-DCPS approved vendor, to do the actual printing of the mailer and to bill the project to M-DCPS for Public Concepts. Public Concepts also provided Dodd with a specific mailing list targeting Republican voters in Florida Senate District 36. Public Concepts directed Dodd on how to and how much to bill M-DCPS. The entire project cost \$23,400 (\$10,220 for printing and mailing fees, \$7,376.43 for Public Concepts' services, and \$5,803.57 for postage). While on paper it appeared that Dodd was the vendor providing services to Mr. Diaz de la Portilla, all contracting arrangements were made through Public Concepts, whose participation remained concealed on all invoices and purchase requisitions.

Not only was Public Concepts' involvement concealed, but evidence uncovered in the investigation revealed direct communications between School Board District 5 staff to Public Concepts requesting that it split the invoices in order to justify the bills to the M-DCPS purchasing department. Public Concepts then instructed Dodd to follow through on presenting split invoices. The revised invoices were dated one week apart and each invoice was for \$5,850. Dodd then returned the dummy invoices back to Public Concepts, who, in turn, submitted them to District 5 staff for processing. Due to the OIG's announced investigation into this matter, none of the revised invoices were paid by M-DCPS.¹

¹ On June 11, 2009, the OIG suggested that the Superintendent suspend payment on the purchase order, which he subsequently did. Previously, on June 9, 2009, Mr. Diaz de la Portilla had processed a second requisition, also for \$5,850, and sent it to Procurement; but because of the Superintendent's subsequent intervention regarding the first purchase order, Procurement Management never generated a payment in response to the second requisition. To date, no payments in connection with the mailer have been made by M-DCPS.

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The criminal investigation has since concluded,² and the OIG is now issuing a public report of investigative findings related to the procurement process.³

Overview of the M-DCPS Procurement Process

The M-DCPS procurement process for the acquisition of goods and services, such as the costs associated with the mailer and the procedures required to be followed in that process, are concisely outlined in the M-DCPS Procurement Management Procedures Manual, Procedure 4-7, *Purchase Requisitions*, in effect at all times relevant to the investigation.⁴ The Procedures Manual requires that specific procedures be followed for all purchases and establishes dollar amount thresholds for processing and approving purchase requisitions. In summary, the Procedures Manual mandates the following:

- Purchases under \$6,000 can be approved by the work site administrator (in this instance, Mr. Diaz de la Portilla) and no bids or price quotes are required, but the purchase requisition must be processed through the Office of Procurement Management Services (Procurement Management) in order to issue the purchase order.
- Purchases between \$6,000 and \$24,999 require price quotes requested from at least three M-DCPS vendors,⁵ and the purchase requisition must be processed through Procurement Management in order to issue the purchase order.
- Purchases over \$25,000 require approval by the School Board.

In addition, School Board Rule 6Gx13-3C-1.091, *Purchase Requisitions*, expressly states that “[s]plit requisitions, to bypass the approval requirements and/or the bidding process, are specifically forbidden.” School Board Rule 6Gx13-3C-1.14, *Ordering Goods and Services—Authorization*, prohibits any person from making any purchase

² The SAO close out memo, signed on May 4, 2011, concludes that it will not pursue criminal charges in this matter. (Attached as Exhibit 10.)

³ Our investigation was conducted in accordance with the *Principles and Standards for Offices of Inspector General, Quality Standards for Investigations*, as promulgated by the Association of Inspectors General.

⁴ In June 2010, approximately one year after the conduct at issue, the School Board amended Rule 6Gx13-3C-1.10, *Purchase Approval and Competitive Bidding Process Requirements*, and repealed a series of other rules that, read together, comprised the governing authorities outlined in the Procedures Manual. The amended rule, which raises the purchase threshold requiring School Board approval from in excess of \$25,000 to in excess of \$50,000, was enacted to conform to statewide purchasing policy changes made by the Florida Board of Education and to consolidate the various authorities. The Procedures Manual is currently being amended to reflect the changes from the repeal.

⁵ In order to become an M-DCPS vendor, a person or company must complete an application, select a category from a list of various types of services or products, provide a Federal Employer Identification Number, and then submit the application to Procurement for approval.

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unless authorized to do so by School Board Rule, administrative directive, or approved manuals, and that payment for any unauthorized purchase “may be the responsibility of the person placing the order.”

The contracting and invoicing arrangements violated established procurement rules and procedures.

Between May 29, 2009 and June 5, 2009, Mr. Diaz de la Portilla sent out approximately 29,600 mailers that contained a letter, a survey form, and a return envelope. The letter asked the recipients to complete the survey and return it in the enclosed envelope (for which postage was not pre-paid). The OIG investigation determined that Mr. Diaz de la Portilla engaged Public Concepts, a political consulting firm located in West Palm Beach, Florida—which was not, and never had been an approved M-DCPS vendor—to manage the work for the mailer, design the mailer, and develop the mailing list of recipients. Public Concepts, in turn, used an Illinois-based political consulting firm to obtain data on voters in Senate District 36 in order to create the mailing list. Public Concepts also used Dodd, a long-time approved M-DCPS vendor, to perform the printing and mail preparation work and to bill the project cost to M-DCPS, thus masking the real work arrangement where Public Concepts was directly engaged by Mr. Diaz de la Portilla.

Email communications between Public Concepts, District 5 office staff, and Dodd reveal the means utilized to disguise Public Concepts’ involvement in this project. The email thread depicted on the next page, which was circulated among Public Concepts employees, discusses how they would provide the billing instructions to Dodd for Dodd to submit to M-DCPS. Public Concepts would separately present an invoice to Dodd for its fee (or “commission” as it was called). Ironically, the communications acknowledge that their invoicing arrangement was “the hard way.”

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From: rich@publicconcepts.com
To: AnthonyPedicini@aol.com, gary@publicconcepts.com
Sent: 5/13/2009 10:22:57 A.M., Eastern Daylight Time
Subj: RE: RDLP Bill Sheets

sounds like the hard way.

DODD PRINTERS INVOICE TO MDSB
JOB 2009, 2034
R Diaz de la Portilla
"School Issues Survey Mailings"
Two versions, English and Spanish
Laser Letter package, design, copy, translation, printing, laser personalization, fold, insert seal, standard postage and delivery to post office
8 1/2 x 11 two color two-page letter
8 1/2 x 11 survey form
#9 business reply envelope
#10 window envelope
QTY: 16,000 ENGLISH VERSION
14,000 SPANISH VERSION
Design Print Mail and Postage: \$23,400

Gary should invoice Dodd Printers:
Jobs 2009, 2034
Commissions Due
Renier Diaz de la Portilla
Miami Dade School District Mailings
16,000 English
14,000 Spanish
\$6,960

From: AnthonyPedicini@aol.com [mailto:AnthonyPedicini@aol.com]
Sent: Wednesday, May 13, 2009 10:03 AM
To: Gary
Cc: Richard
Subject: Fwd: RDLP Bill Sheets

Gary,

We need to make a bill for Dodd Printing based on Tom's attached billing sheets. Please send them to me once you have them prepared. I am going to send them to Dodd with instructions on how he should bill the job for us.

Then, we need to create other invoices for Dodd to pay us, subtracting out their costs, but including design and data...

(Rich, does this sound right?)

AP

Figure 1
(Also attached as Exhibit 2)

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Approximately half an hour later, Public Concepts forwarded the same “specs” to Dodd for its inclusion in the invoice that Dodd would create for M-DCPS.

Figure 2 (Also attached as Exhibit 3)

From: AnthonyPedicini@aol.com [mailto:AnthonyPedicini@aol.com]
Sent: Wednesday, May 13, 2009 10:51 AM
To: Rick Dodd
Subject: Invoice for Miami Dade School Board

From Anthony Pedicini, Public Concepts, LLC,
providing Rick Dodd the “specs” to put in its
invoice to the School District

Rick-

Here are the specs for Miami Dade, Renier Diaz de la Portilla job: (I will have final art to you today)

DODD PRINTERS INVOICE TO MDSB

JOB 2009, 2034

R Diaz de la Portilla

"School Issues Survey Mailings"

Two versions, English and Spanish

Laser Letter package, design, copy, translation, printing, laser personalization, fold, insert seal, standard postage and delivery to post office

8 1/2 x 11 two color two-page letter
8 1/2 x 11 survey form
#9 business reply envelope
#10 window envelope

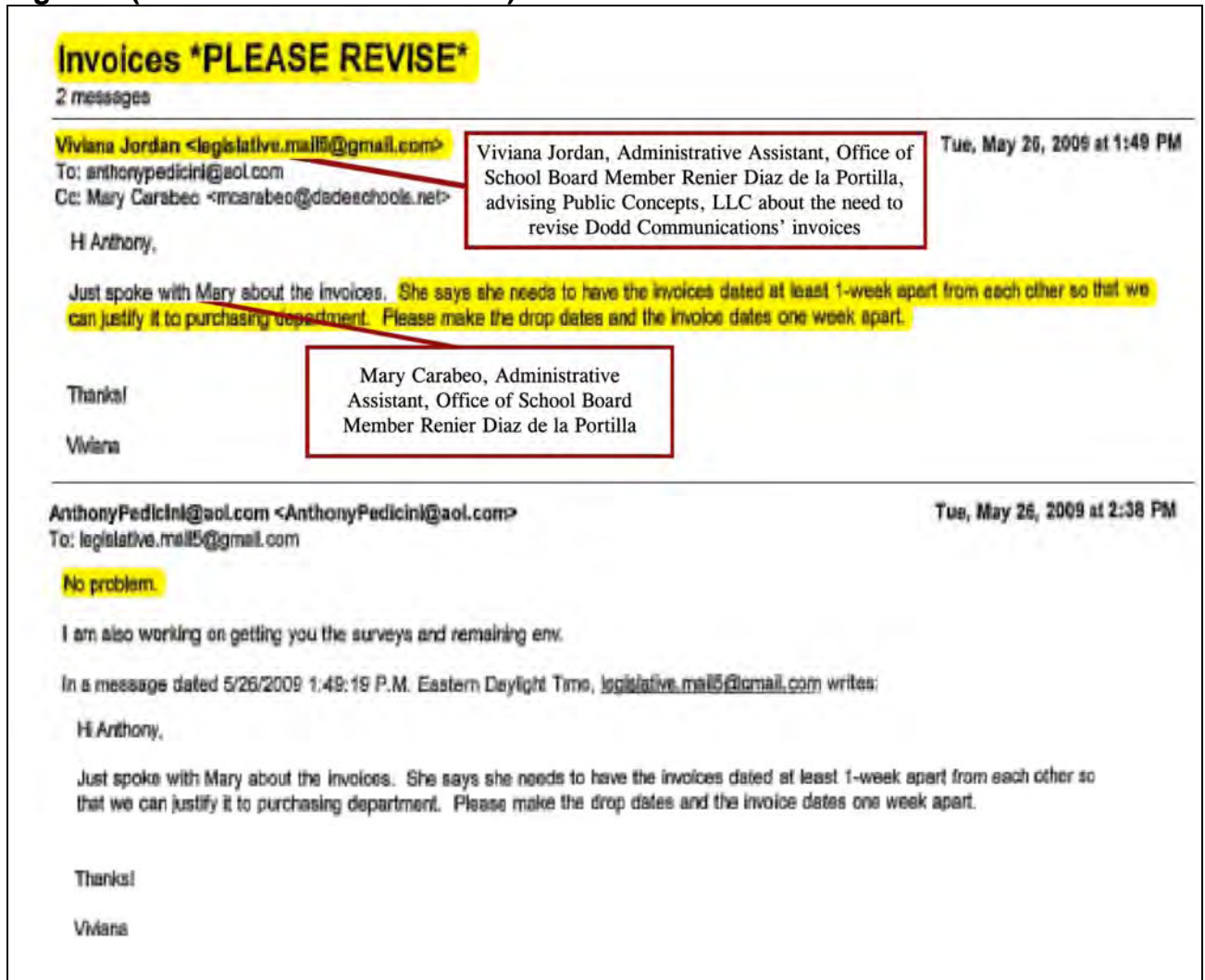
**QTY: 16,000 ENGLISH VERSION
14,000 SPANISH VERSION**

Design Print Mail and Postage: \$23,400

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Several days later, District 5 office staff directed Public Concepts to revise the Dodd invoices—specifically to split them one week apart—in order to justify it to the purchasing department.

Figure 3 (Also attached as Exhibit 4)



According to a sworn statement provided by Rick Dodd of Dodd Communications,⁶ he was forwarded the email from Viviana Jordan and Mary Carabeo of Mr. Diaz de la Portilla's Office by Public Concepts, requesting that the invoices be split one week apart. Dodd subsequently made up four invoices and emailed them to Anthony Pedicini

⁶ Rick Dodd is the former owner of Dodd Communications. Dodd Communications was purchased by a national company. Rick Dodd remains employed by Dodd Communications as a Sales Representative.

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of Public Concepts. The subject line of the email refers to the revised invoices as “dummies.”

Figure 4 (Also attached as Exhibit 5)

Rick Dodd

From: Rick Dodd [rdodd@dodd-communications.com]
Sent: Thursday, May 28, 2009 9:37 AM
To: 'anthonypediconi@aol.com'
Subject: FW: school board dummies - revised
Importance: High
Attachments: school board 162348-04.jpg; school board 162348-03.jpg; school board 162348-02.jpg; school board 162348-01.jpg; image001.png

Thanks,
Rick Dodd

950 SE 8th Street
Hialeah, FL 33010
Ph. 305.885.8707 ext. 242
Cell. 305.345.2268
Fax. 305.888.9903
Toll Free. 800.443.9599
rdodd@doddprinters.com

Dummy invoices created by Dodd are sent to Public Concepts, LLC, who in turn forwarded them to the School District

The email contained four .jpg attachments; each was an invoice for \$5,850. Each invoice was dated the same day as the purported “drop” date: 5-29-09, 6-5-09, 6-12-09, and 6-19-09. (Exhibit 6) The next day, May 29, 2009, Mr. Diaz de la Portilla and his staff processed a requisition for \$5,850 that corresponded to the first invoice generated by Dodd. (Exhibit 7) The requisition indicates that no quotes were required. The requisition was sent to Procurement Management, which in turn generated a purchase order for the same amount that Mr. Diaz de la Portilla authorized a staff member to sign for him as approved. (Exhibit 8)

The investigation determined that the invoices were false in the following manner: they falsely represented that translation work had been performed; falsely suggested that the mailer was to be mailed to four separate groups of recipients on four separate dates;

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and misrepresented the true cost of the job by dividing the \$23,400 total cost into four invoices for \$5,850 each.

Finally, the OIG investigation revealed that Mr. Diaz de la Portilla's office did not solicit proposals or price quotes from any vendors relative to this mailing project, including proposals for design work, mailing lists or printing. The actual engagement was for a project costing \$23,400. Mr. Diaz de la Portilla directly engaged Public Concepts. Public Concepts engaged Dodd. Dodd submitted the invoices as if it had been engaged to do work by Mr. Diaz de la Portilla. Had one invoice been submitted for \$23,400 then price quotes would have been required. In this case, split requisitions were presented to bypass the approval requirements and/or the bidding process, which is specifically forbidden.

The Mailer Was Targeted to Republican Super Voters Residing in Senate District 36

Public Concepts is a political consulting firm. Mr. Diaz de la Portilla had previously engaged Public Concepts to do campaign work on his 2008 election for the District 5 School Board seat. Relating to this mailer, Public Concepts used Diversified Direct, Inc., an Illinois-based political consulting firm, to obtain specific lists of voters meeting explicit criteria, including Hispanic voters residing in Senate District 36 who had previously voted in Republican primary elections. (Exhibit 9⁷) Electors, having voted in recent elections, are considered "super voters" and were targeted because it was felt that there was a greater chance that they would return the survey. Although Mr. Diaz de la Portilla declined to be interviewed or provide a sworn statement during the course of the OIG investigation,⁸ he acknowledged in an interview televised locally in December 2009 that the vast majority of the mailers were sent to voters in Senate District 36.⁹ Additional evidence in the form of emails sent in June 2009, however, did reveal that there was at least an intent to broaden the survey's mailing coverage scope to other parts of the County. However, no other surveys were mailed.

Mr. Diaz de la Portilla's brother, who was elected as Senator (the Senator) for State Senate District 36 in November 2010, did consent to be interviewed. He informed OIG Special Agents that he never asked Mr. Diaz de la Portilla to send the mailer, and only

⁷ The notation on the second page of the exhibit was handwritten by an employee of the Consultant.

⁸ Much of Mr. Band's (Mr. Diaz de la Portilla's attorney) response to the draft report claims that he (Mr. Band) and his client offered to meet with the OIG early on in the investigation. For further clarification, we cite to the SAO's Close-out Memorandum (Exhibit 10 on page 2) where it explains: "While RDDLP offered to come in and give a statement to investigators at the investigation's inception, acceptance of that offer was deferred until the investigators and this prosecutor had a firmer understanding of the facts of this case. RDDLP ultimately declined the official request of the Office of the State Attorney to voluntarily appear and answer questions, through his attorney, Michael Band, Esq."

⁹ The investigation also revealed that Mr. Diaz de la Portilla received some negative feedback as a result of the flyer. Recipients of the flyer apparently questioned why they were receiving them when they did not live in his School Board District.

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learned that it had been sent when he saw the televised interview in December 2009. The Senator also stated that he and his campaign staff have never been provided with the survey results obtained from the mailer. Finally, the Senator stated that he did not know why his brother, the School Board Member, sent the mailer to Senate District 36 voters, and that he never had any discussions with his brother about it.

On June 12, 2009, at the request of Mr. Diaz de la Portilla, the Interim School Board Attorney (Attorney) wrote a memorandum that advised there was no prohibition against a School Board Member distributing a mailer relating to school district and educational matters on a “county-wide” basis. However, in a sworn statement given to the SAO, the Attorney stated that Mr. Diaz de la Portilla never informed him that the mailer was going to be sent to selected voters in Senate District 36. The Attorney also stated that the School Board prohibits using its funds for “campaign related or political purposes.”

Responses to the Draft Report and OIG Rejoinder

A copy of this report, as a draft, was provided to Mr. Diaz de la Portilla through his attorney, Mr. Michael Band, on May 5, 2011. The OIG provided the draft copy pursuant to our obligation in the Interlocal Agreement to give the subject of an OIG report an opportunity to provide a written response to the report’s findings. Responses were received—one from Mr. Diaz de la Portilla and one from his attorney, Mr. Band. Both responses are attached in their entirety to the report as Appendix 1A and Appendix 1B, respectively, and are summarized below.

Mr. Diaz de la Portilla’s response criticizes the OIG in general and the Inspector General, specifically. Mr. Diaz de la Portilla questions the motive of the Inspector General in conducting this investigation and suggests that the investigation was conducted in retaliation for his questioning the OIG’s budget and the Interlocal Agreement’s reimbursement provisions. Mr. Diaz de la Portilla also contends that the complaint was filed by his adversary. Lastly, with regard to the specific subject matter of the mailer and the invoices for said mailer, Mr. Diaz de la Portilla states that he had obtained the prior approval of the School Board Attorney and of the District’s professional staff; that there was “zero cost” to the taxpayers; and that there was absolutely no violation of law or rule.¹⁰

¹⁰ Mr. Diaz de la Portilla’s response includes an email from School Board Attorney Walter J. Harvey dated December 31, 2009, which seeks to memorialize a discussion they had about various School Board procurement rules. Of relevance, it states that purchases between \$6,000 and \$25,000 require at least three bid quotations. However, one exception to the quotation requirement involves payments for Media Advertising (newspaper, radio, television, etc.). Mr. Harvey then opines that the creation, printing, and distribution of a flyer could be interpreted as media advertising. The OIG’s specific review of the three purchase requisitions that were created by Mr. Diaz de la Portilla’s Administrative Assistant for the purpose of paying the Dodd invoices reveal that sub-object code 69500 (printing) was used. There is a specific sub-object code (09914) for Media Advertising; however, it was not used on the payment requisition.

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First, concerning the contention that the School Board Attorney and the Superintendent's professional staff gave their prior approval to these arrangements, it is hard to believe that they would authorize the creation of dummy invoices, each dated a week apart, and split to fall below the \$6,000 procurement threshold. Second, there was no cost to taxpayers in this case because the OIG specifically questioned the first invoice and stopped it (and the other three) from being paid. Lastly, regarding the accusation that the investigation was conducted in retaliation for his questioning of the OIG budget, this Inspector General is well aware of the risks inherent in investigating those who control the purse strings. However, to suggest that this investigation—that began in June 2009—was somehow affected by budgetary criticism leveled in the past few months is far fetched. Mr. Diaz de la Portilla is not (and has not been) the only School Board member that has questioned the OIG's budget request, and we expect him and others, as part of their oversight functions, to continue to do so responsibly. However, budgetary criticism should never pose a deterrent to independent, external oversight. As for his other personal attacks, they bear no merit and are not relevant to the report's findings and, thus, will not be addressed in this rejoinder.

Mr. Diaz de la Portilla's attorney, Mr. Michael Band, submitted a separate response that addresses his offers to have his client meet with investigators and provide an explanation in this matter. Mr. Band also questions the motivations of the complainant and why the OIG did not name him/her in the report. Lastly, Mr. Band suggests that upon a finding of no criminal misconduct by the SAO, the OIG resorted to trumpeting violations of procurement procedures as a means to justify the OIG's investigative time. Mr. Band states that his client has acknowledged "that some procurement procedures may not have been followed," but instead of recognizing this as an oversight, the OIG has "cast a sinister take on what amounts to an honest misunderstanding."

Regarding his offer to have his client meet with investigators, that offer was made only at the onset of the investigation. That offer was withdrawn when invited by the SAO for an interview (see footnote 9). Regarding the OIG's failure to disclose the identity of the complainant, Florida law specifically prohibits the disclosure of a complainant's name or identity. Fla. Stat. Section 112.3188. Lastly, with respect to the procurement violations, anytime a public official, especially an elected one, plans with an undisclosed party—in this case, a political consulting firm—to have another vendor submit dummy invoices on its behalf, the cost of the investigation should not be at issue. Moreover, to suggest that procurement procedures were not an integral part of the SAO investigation and a mere afterthought by the OIG is to ignore the SAO's Close-out Memorandum (see Exhibit 10). The last two sentences in the Close-out Memorandum state: "**Concurrent with this joint criminal investigation**, the MDCPS OIG conducted its own inquiry regarding administrative issues uncovered by this investigation. It is anticipated that a[n] MDCPS OIG report will be released subsequent to this memo." (Emphasis added.)

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Conclusions

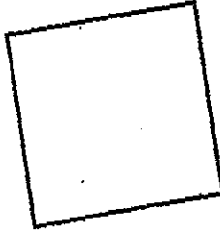
The OIG investigation found that Mr. Diaz de la Portilla and his office staff failed to comply with existing M-DCPS School Board rules and procurement procedures in connection with the mailer he arranged to be distributed to selected voters residing in Florida Senate District 36. What makes this matter most egregious is District 5 staff directing Public Concepts to have the other vendor—Dodd Communication—split the invoices one week apart in order to “justify it” to the purchasing department in clear violation of procurement rules. This case involves more than merely the failure to take price quotes; it involves more than splitting requisitions. The actions presented here reveal a disguised contracting arrangement that is lacking in transparency. On its face, nowhere in the invoices, requisitions, or purchase orders was Public Concepts’ involvement disclosed. Arrangements were made between Mr. Diaz de la Portilla (and later his staff) and Public Concepts. Mr. Diaz de la Portilla (or his staff) never hired Dodd; instead, Dodd candidly admits that he was hired by Public Concepts. While the mailer was sent outside the bounds of School Board District 5, its distribution was hardly countywide. Instead, it was predominately targeted to Republican voters residing in Senate District 36 who had previously voted in Republican primary elections. As a result of the OIG’s inquiry into this matter, the invoices were questioned and no public funds were spent.

Miami-Dade County Public Schools
Office of the Inspector General

Exhibit 1

(The Mailer – in English & Spanish – 13 pages total)

IG09-47SB



FIRST CLASS

Renier Diaz de la Portilla
School Board Member, District 5
1450 NE 2nd Ave. #700
Miami, FL 33132-9810

**IMPORTANT PUBLIC SCHOOL
INFORMATION AND SURVEY.
PLEASE RESPOND ASAP.**

**PLACE
.44 CENT
STAMP
HERE**

Renier Diaz de la Portilla
School Board Member, District 5
1450 NE 2nd Ave. #700
Miami, FL 33132-9810

**PLEASE OPEN IMMEDIATELY,
MY SURVEY IS ENCLOSED.**



Renier Diaz de la Portilla

DO NOT THROW OUT! IMPORTANT MESSAGE AND SURVEY REGARDING MIAMI-DADE PUBLIC SCHOOLS!

305-995-1398 • rdiazdelaportilla@dadeschools.net • <http://district5.dadeschools.net>

Dear Neighbor,

I'm writing to you with a most urgent survey regarding our public school system. Providing a quality education for our children and grandchildren is the most important function of the Miami-Dade School Board.

During these difficult and uncertain economic times, it's more important than ever to focus on directing more money into the classroom for our students and providing better salaries for our teachers.

Recently, the School Board made some tough decisions regarding employee layoffs, teacher salaries, and leadership of the Miami-Dade school system.

My number one priority is making sure students receive the best education possible, in the best environment possible.

Our students must be given every opportunity to succeed. That means, more funding directed to classroom learning, cutting back on wasteful spending, and demanding progress and accountability from administrators.

Spending each and every penny efficiently and effectively must be our only priority.

We can't afford to take money away from our children, only to fund and expand the growing school administration and government bureaucracy. My dedication to this goal is clear:

I fought against giving a \$700,000 severance package to an outgoing School

Superintendent and against giving \$200,000 to an outgoing School Board Attorney.

What can our school system do with an extra \$900,000?

You and I agree \$900,000 is a huge sum of money and can pay for 500 to 600 teachers. Or we could invest in almost 1,000 computers to help upgrade our classrooms and give our children the 21st century education they deserve.

Identifying problems and areas of improvement is not enough. We must have a vision of what we need from our local public schools.

It's my belief and hope to focus all our efforts on seeing every child graduate with the knowledge and skills needed to compete in the 21st century.

You and I can ensure that our children are equipped with the tools they need to succeed by focusing on four areas.

1. **Accountability in the Classroom** - Students must learn the material required to graduate to the next grade. We do a disservice to our children if we pass them through the system without teaching them the necessary skills to succeed in life. ***Teachers and administrators must be held accountable for the performance of their students.***

2. **Parental Involvement** - Schools can't mandate parents get, and stay, involved in their children's lives. ***But we can help foster an environment where it's easier for parents to get involved in their child's school.*** The more a parent is involved in his or her child's academics, the better chance that child has to succeed.

3. **Efficiency in Government** - The waste of the past continues to plague our school system. ***This year we've already faced a \$284 million deficit.*** Unless the district manages its money better, more deficits are likely. We have teachers who work day and night to see that students are ready for a world after school, only to be denied a wage that matches their output.

4. **Commitment to Success** - Parents, teachers, administrators, School Board members, and students must make a commitment to success. You and I have to work together, especially in times like these, to see that students receive a quality education and are ready to succeed in college or the workplace.

The members of the School Board Superintendent don't have all of the ideas and solutions to our problems.

To accomplish the goals above, I need to know what you think are the top priorities of the Miami-Dade school system.

Please take a few moments to fill out the survey that was enclosed with this letter and return it immediately.

The School Board faces tougher and tougher decisions with each passing week. I want to take your ideas and innovative solutions to the School Board!

Thank you for allowing me to serve on the Miami-Dade School Board. Also, I thank you in advance for filling out the enclosed survey and sending it back to me.

Please complete your survey and mail it back by June 20, 2009. I will be checking the mailbox every day for its return.

I truly value your opinion and appreciate your time. If you need assistance with anything, please feel free to call me at (305)995-1398.

Respectfully,



Renier Diaz de la Portilla

P.S. Please DON'T FORGET to fill out the enclosed survey and send it back to me by June 20, 2009!

P.P.S. You and I need to cut administrative expenses and waste and get as much money to our teachers and classrooms as possible. Your survey will help me show other leaders they need to join our cause!



RENIER DIAZ de la PORTILLA MIAMI-DADE SCHOOL BOARD SURVEY

YOUR IMMEDIATE RESPONSE REQUESTED

PLEASE MAIL YOUR SURVEY BACK TO:

**SURVEY RETURN DEPARTMENT
1450 NE 2nd Ave. #700
Miami, FL 33132-9810**

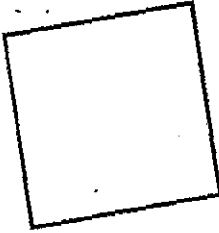
Please take the time to answer the following questions to the best of your ability. It's easy! Simply check the answer you're most comfortable with and mail the survey back to me. Together you and I can direct more funding to teachers and classrooms and get our public schools back on track. Following questions will be answered by Yes, No, or Don't Know.

1. Generally speaking, are you satisfied with the direction in which the school District is headed? Yes No Don't Know
2. Generally speaking, are you satisfied with the job the Miami-Dade School Board is doing? Yes No Don't Know
3. Generally speaking, are you satisfied with the job the Superintendent of Schools, Mr. Alberto Carvalho, is doing? Yes No Don't Know
4. Do you think property taxes are too high and should be cut more? Yes No Don't Know
5. Generally speaking, are you satisfied with the quality of education your children/grandchildren receive(d) in your neighborhood's public schools? Yes No Don't Know
6. Generally speaking, are you satisfied with the job School Board Member Renier Diaz de la Portilla is doing? Yes No Don't Know
7. Are budget cuts the biggest issue facing our public schools? Yes No Don't Know
8. Do you agree that we should refocus our schools on getting our children better prepared for today's job market so they can be more successful at finding a job? Yes No Don't Know
9. Should every child be given the opportunity to attend a 4 year Florida University if they make a B or better grade point average? Yes No Don't Know
10. Do you believe our teachers deserve better pay? Yes No Don't Know
11. In order to save money, would you support shutting down underenrolled failing public schools and transferring those students to better neighborhood schools? Yes No Don't Know
12. Would you support an amendment to Florida's constitution creating a dedicated revenue stream for teacher pay raises? Yes No Don't Know

Your Opinion Matters!

Additional Comments:

Email:



FIRST CLASS

Renier Diaz de la Portilla
School Board Member, District 5
1450 NE 2nd Ave. #700
Miami, FL 33132-9810

**IMPORTANTE MENSAJE Y ENCUESTA
ACERCA DE LAS ESCUELAS PÚBLICAS.
RESPONDER LO MAS PRONTO POSIBLE.**

**PLACE
44 CENT
STAMP
HERE**

Renier Diaz de la Portilla

School Board Member, District 5

1450 NE 2nd Ave. #700

Miami, FL 33132-9810

**FAVOR ABRIR INMEDIATAMENTE.
MI ENCUESTA ESTA ADJUNTA.**



Renier Diaz de la Portilla

NO DESCARTAR! IMPORTANTE MENSAJE Y ENCUESTA ACERCA DE LAS ESCUELAS PÚBLICAS DE MIAMI-DADE!

305-995-1398 • rdiazdelaportilla@dadeschools.net • <http://district5.dadeschools.net>

Estimado(a) Amigo(a),

Le escribo con una urgente encuesta acerca de nuestro sistema escolar público.

Proveer una educación de alta calidad para nuestros niños y nietos es la más importante función de la Junta Escolar de Miami-Dade.

Durante estos tiempos de dificultades económicas, es más importante que nunca que nos dediquemos a dirigir más dinero hacia las aulas para beneficio de nuestros estudiantes y a proveer mejores salarios para nuestros maestros.

Recientemente, la Junta Escolar ha tomado algunas difíciles decisiones acerca del despido de empleados, salarios de maestros, y liderazgo en el sistema escolar de Miami-Dade.

Mi prioridad numero uno es asegurar que todos los estudiantes reciban la mejor educación posible, en el mejor ambiente posible.

A nuestros estudiantes se les deben dar todas las oportunidades para ser exitosos. Eso significa mas fondos dirigidos al aprendizaje en las aulas, recortes en gastos poco efectivos, y requiriendo progreso y responsabilidad

por parte de administradores.

Utilizar cada centavo eficientemente y eficazmente debe ser nuestra prioridad.

No podemos permitirnos tomar el dinero de nuestros hijos, solo para financiar y expandir el crecimiento de la administración escolar y burocracia gubernamental. Mi dedicación a esta meta es clara:

Yo me opuse a entregarle un paquete de \$700,000 a un Superintendente de Escuelas saliente, y me opuse a darle \$200,000 al abogado de la Junta Escolar saliente.

Qué puede hacer nuestro distrito escolar con unos \$900,000 adicionales?

Usted y yo estamos de acuerdo, \$900,000 es una cantidad muy grande de dinero y puede ser utilizada para pagar los incrementos salariales para más de 500 maestros. O podríamos invertir en 1,000 computadores para ayudar a actualizar nuestras aulas y darles a nuestros niños la educación del siglo 21 que merecen.

Identificar problemas y áreas en necesidad de mejoras no es suficiente. Debemos tener una visión de que necesitamos de nuestras escuelas públicas.

Es mi firme intención, y esperanza, enfocar todos nuestros esfuerzos en ver a cada estudiante graduado, con el conocimiento y las habilidades necesarias para competir en el siglo 21.

Usted y yo podemos asegurar que nuestros niños estén equipados con los recursos necesarios para ser exitosos concentrándonos

en cuatro áreas:

1. **Responsabilidad en las Aulas de Clase** - Los estudiantes deben aprender el material requerido para ser promovidos al siguiente grado. Le hacemos un mal a nuestros niños si les permitimos pasar por el sistema sin enseñarles lo necesario para tener éxito en un futuro. ***Maestros y administradores deben ser responsables por el desempeño de sus estudiantes.***
2. **Participación de Padres** - Las escuelas no pueden obligar a los padres a que se involucren en las vidas de sus hijos y que se mantengan involucrados a lo largo de su educación. ***Pero si podemos crear un ambiente en donde es más fácil para los padres involucrarse en la educación de sus hijos.*** Entre mas se involucre un padre en las actividades académicas de su hijo, mejores son las posibilidades para que ese estudiante tenga éxito.
3. **Eficiencia en Gobierno** - El mal manejo de fondos del pasado continua plagando nuestro sistema escolar. ***Este año ya hemos enfrentado un déficit de \$284 millones.*** A menos de que el distrito maneje mejor sus fondos, más déficits son probables. Tenemos maestros que trabajan día y noche para asegurar que los estudiantes estén listos para un futuro después de la escuela.
4. **Compromiso con el Éxito** - Padres, maestros, administradores, Miembros de la Junta Escolar, y estudiantes deben hacer un compromiso con el éxito. Tenemos que trabajar juntos, especialmente en momentos como estos, para asegurarnos de que los estudiantes reciban una educación de la más alta calidad y estén listos para ser exitosos en la universidad y el ámbito laboral.

Los Miembros de la Junta Escolar no tenemos todas las ideas y soluciones a nuestros problemas. Para lograr los objetivos enumerados, necesito saber su opinión acerca de lo que usted considera que son las prioridades mas importantes del sistema

escolar de Miami-Dade.

Por favor tome un momento para completar la encuesta que esta adjunta a esta carta y devolverla inmediatamente a mi oficina.

La Junta Escolar enfrenta decisiones más y más difíciles con cada semana que pasa. Yo quiero tomar sus ideas e innovadoras soluciones a la Junta Escolar!

Quiero agradecerle por permitirme servir en la Junta Escolar del Condado Miami-Dade. De igual manera, le agradezco de antemano el completar la encuesta adjunta, y retornarla a mi oficina.

Por favor complete la encuesta y envíela de regreso por correo antes del 20 de Junio, 2009. Yo estaré revisando el buzón de correos cada día anticipando su llegada.

Sinceramente valoro su opinión y aprecio su tiempo. Si necesita asistencia con cualquier asunto escolar, por favor llámeme al (305) 995-1398.

Sinceramente,



Renier Díaz de la Portilla

P.D. Por favor NO OLVIDE completar la encuesta adjunta, y enviarla de regreso antes del 20 de Junio, 2009!

P.P.D. Usted y yo tenemos que recortar los gastos administrativos y el mal manejo de fondos, para así obtener la mayor cantidad de dinero posible para nuestros maestros y aulas. Sus respuestas a mi encuesta me ayudarán a demostrarle a otros líderes de la comunidad que tienen que unirse a nuestra causa!



RENIER DIAZ DE LA PORTILLA ENCUESTA DE LA JUNTA ESCOLAR DEL CONDADO MIAMI-DADE

SOLICITANDO SU RESPUESTA INMEDIATA

FAVOR ENVIAR DE VUELTA SU ENCUESTA A:

SURVEY RETURN DEPARTMENT
1450 NE 2nd Ave. #700
Miami, FL 33132-9810

Por favor tome unos minutos para responder a las siguientes preguntas. Es fácil. Simplemente seleccione la respuesta que mejor identifique su opinión y envíeme de regreso la encuesta. Juntos, usted y yo podemos dirigir más fondos hacia los maestros y aulas y poner de nuevo en marcha nuestras escuelas públicas. Favor responder a las siguientes preguntas seleccionando: Sí, No, No se.

1. En general, esta satisfecho(a) con la dirección en la cual esta dirigido el Distrito Escolar? Sí No No se
2. En general, esta satisfecho(a) con la labor que esta realizando la Junta Escolar de Miami-Dade County? Sí No No se
3. En general, esta satisfecho(a) con la labor que esta realizando el Superintendente de Escuelas Alberto Carvalho? Sí No No se
4. Cree usted que los impuestos de propiedad son muy altos y deberían ser reducidos? Sí No No se
5. En general, esta satisfecho(a) con la calidad de la educación que reciben sus hijo(a)s/nieto(a)s en las escuelas públicas de su vecindario? Sí No No se
6. En general, esta satisfecho(a) con la labor que esta realizando el Miembro de la Junta Escolar Renier Diaz de la Portilla? Sí No No se
7. Esta usted de acuerdo con la idea de que deberíamos re-enfocar nuestras escuelas hacia la mejor preparación de nuestros niños para el ámbito laboral? Sí No No se
8. Debería dársele a cada niño(a) la oportunidad de asistir a una universidad (de 4 años) del estado de la Florida si logra un promedio académico de "B" o más alto? Sí No No se
9. Considera que los recortes al presupuesto son el problema más grande afectando a nuestras escuelas públicas? Sí No No se
10. Cree usted que nuestros maestros merecen mejores salarios? Sí No No se
11. En un esfuerzo por reducir costos, apoyaría usted una iniciativa para cerrar escuelas públicas de bajo nivel académico que tengan un bajo número de estudiantes registrados y transferir a esos estudiantes a mejores escuelas en el vecindario? Sí No No se
12. Apoyaría usted una enmienda constitucional en la Florida creando una vía de ingreso de fondos dedicada a "cubrir" los incrementos salariales de los maestros? Sí No No se

Su opinión cuenta!

Comentarios Adicionales: _____

Correo Electrónico: _____

Miami-Dade County Public Schools
Office of the Inspector General

Exhibit 2

(Emails between Public Concepts staff 5/13/2009 - 2 pages)

IG09-47SB

Gmail - RDLP Bill Sheets

Page 1 of 2



Thomas Piccolo <thomas.piccolo@gmail.com>

RDLP Bill Sheets

2 messages

Thomas Piccolo <thomas.piccolo@gmail.com>
To: Anthony Piccini AOL <AnthonyPiccini@aol.com>

Wed, May 13, 2009 at 9:55 AM

2 attachments

Job #2009 RDLP Spanish Letter & Survey.xls
29K

Job #2034 RDLP English Letter & Survey.xls
29K

AnthonyPiccini@aol.com <AnthonyPiccini@aol.com>
To: thomas.piccolo@gmail.com

Wed, May 13, 2009 at 10:47 AM

From: rich@publicconcepts.com
To: AnthonyPiccini@aol.com, gary@publicconcepts.com
Sent: 5/13/2009 10:22:57 A.M. Eastern Daylight Time
Subj: RE: RDLP Bill Sheets

sounds like the hard way.

DODD PRINTERS INVOICE TO MDSB

JOB 2009, 2034

R Diaz de la Portilla

"School Issues Survey Mailings"

Two versions, English and Spanish

Laser Letter package, design, copy, translation, printing, laser personalization, fold, insert seal, standard postage and delivery to post office

8 1/2 x 11 two color two-page letter
8 1/2 x 11 survey form
#9 business reply envelope
#10 window envelope

QTY: 16,000 ENGLISH VERSION
14,000 SPANISH VERSION

Design Print Mail and Postage: \$23,400

12/16/2010 09:35 3055230613
MILL SUCCIS

Gary should invoice Odd Printers:

Jobs 2009, 2034

Commissions Due

Renier Díaz de la Portilla
Miami Dade School District Mailings

16,000 English
14,000 Spanish

\$6,960

From: AnthonyPedicini@aol.com [mailto:AnthonyPedicini@aol.com]
Sent: Wednesday, May 13, 2009 10:03 AM
To: Gary
Cc: Richard
Subject: Fwd: RDLP Bill Sheets

Gary,

We need to make a bill for Dodd Printing based on Tom's attached billing sheets. Please send them to me once you have them prepared. I am going to send them to Dodd with instructions on how he should bill the job for us.

Then, we need to create to other invoices for Dodd to pay us, subtracting out their costs, but including design and data...

(Rich, does this sound right?)

Trinidad

AP

Dell Mini Netbooks: Great deals starting at \$299 after instant savings!

Dell Mini Netbooks: Great deals starting at \$299 after instant savings!

Miami-Dade County Public Schools
Office of the Inspector General

Exhibit 3

(Emails between Anthony Pedicini of Public Concepts and Rick Dodd
on 5/13/2009 - 2 pages)

IG09-47SB

Rick Dodd

From: Rick Dodd [rdodd@dodd-communications.com]
Sent: Wednesday, May 13, 2009 2:53 PM
To: 'AnthonyPedicini@aol.com'
Subject: RE: Invoice for Miami Dade School Board
Importance: High
Attachments: image001.png

Hi,
When we do work for the school board we get a P.O. from them otherwise they don't pay.
Do you have their P.O. number?

Thanks,
Rick Dodd

950 SE 8th Street
Hialeah, FL 33010
Ph. 305.885.8707 ext. 242
Cell. 305.345.2268
Fax. 305.888.9903
Toll Free. 800.443.9599
rdodd@doddprinters.com



*PLEASE NOTE THAT DODD PRINTERS HAS MOVED TO A NEW LOCATION & OUR PHONE NUMBERS HAVE CHANGED.

- *YOUR TOTAL SOLUTIONS PROVIDER IS NOW GREEN..
- *FSC (FOREST STEWARDSHIP COUNCIL) CERTIFIED - WE NOW GUARANTEE YOUR PAPER ON REQUEST WILL COME FROM WELL MANAGED FORESTS.
- * SOY & VEGETABLE INKS WITH REDUCED VOC'S (VOLATILE ORGANIC COMPOUNDS) PRESERVE OUR PRECIOUS ENVIRONMENT
- * MEMBER'S OF THE RAINFOREST ALLIANCE - WHICH CONSERVES BIODIVERSITY AND ENSURES GOOD LAND USE PRACTICES.

From: AnthonyPedicini@aol.com [mailto:AnthonyPedicini@aol.com]
Sent: Wednesday, May 13, 2009 10:51 AM
To: Rick Dodd
Subject: Invoice for Miami Dade School Board

Rick-

Here are the specs for Miami Dade, Renier Diaz de la Portilla job: (I will have final art to you today)

DODD PRINTERS INVOICE TO MDSB

JOB 2009, 2034

R Diaz de la Portilla

"School Issues Survey Mailings"

Two versions, English and Spanish

Laser Letter package, design, copy, translation, printing, laser personalization, fold, insert seal, standard

12/15/2010 09:35 3055230613

postage and delivery to post office

8 1/2 x 11 two color two-page letter

8 1/2 x 11 survey form

#9 business reply envelope

#10 window envelope

QTY: 18,000 ENGLISH VERSION

14,000 SPANISH VERSION

Design Print Mail and Postage: \$23,400

Dell Mini Netbooks: Great deals starting at \$299 after instant savings!

Miami-Dade County Public Schools
Office of the Inspector General

Exhibit 4

(Emails between Viviana Jordan, School Board District 5 Office,
and Anthony Pedicini of Public Concepts on 5/26/09 - 1 page)

IG09-47SB



Viviana Jordan <legislative.mail5@gmail.com>

Invoices *PLEASE REVISE*

2 messages

Viviana Jordan <legislative.mail5@gmail.com>
To: anthonypedicini@aol.com
Cc: Mary Carabeo <mcarabeo@dadeschools.net>

Tue, May 26, 2009 at 1:49 PM

Hi Anthony,

Just spoke with Mary about the invoices. She says she needs to have the invoices dated at least 1-week apart from each other so that we can justify it to purchasing department. Please make the drop dates and the invoice dates one week apart.

Thanks!

Viviana

AnthonyPedicini@aol.com <AnthonyPedicini@aol.com>
To: legislative.mail5@gmail.com

Tue, May 26, 2009 at 2:38 PM

No problem.

I am also working on getting you the surveys and remaining env.

In a message dated 5/26/2009 1:49:19 P.M. Eastern Daylight Time, legislative.mail5@gmail.com writes:

Hi Anthony,

Just spoke with Mary about the invoices. She says she needs to have the invoices dated at least 1-week apart from each other so that we can justify it to purchasing department. Please make the drop dates and the invoice dates one week apart.

Thanks!

Viviana

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

Miami-Dade County Public Schools
Office of the Inspector General

Exhibit 6

(Invoices that were sent as attachments in the email from Rick Dodd to
Anthony Pedicini of Public Concepts on 5/28/09 – 4 pages total)

IG09-47SB

INVOICE



A TOTAL GRAPHIC
SOLUTIONS
COMPANY

950 S.E. 6th STREET
HIALEAH, FLORIDA
33010

DADE 305 888-8707
800-443-9999
FACSIMILE 305 888-9909

INVOICE NO. 162348-01

INVOICE DATE 05-29-09

SHIPPING DATE 05-29-09

FILE NUMBER

SOLD TO: SCHOOL BOARD OF MIA-DADE COUNTY
ACCOUNTS PAYABLE
PO BOX 01-2570
MIAMI, FL 33101

SHIP TO:

PER INSTRUCTIONS

PLEASE REMIT TO: P.O. BOX #200453, HOUSTON, TX. 77216-00453

8,000

ENGLISH DROP 5/29

5850:00

R. DIAZ DE PORTILLA
"SCHOOL ISSUE SURVEY MAILING"
TWO VERSIONS -- ENGLISH & SPANISH

LASER LETTER PACKAGE, DESIGN, COPY, TRANSLATION,
PRINTING, LASER PERSONALIZATION, FOLD, INSERT SEAL,
STANDARD POSTAGE & DELIVERY TO POST OFFICE

8 1/2 X 11 TWO COLOR TWO-PAGE LETTER
8 1/2 X 11 SURVEY FORM
#9 BUSINESS REPLY ENVELOPE
#10 WINDOW ENVELOPE

Terms: Payment shall be whatever was set forth in the quotation or invoice unless otherwise provided in writing. Claims for defects, damages or shortages must be made by the customer in writing within a period of fifteen (15) days after delivery of all or any part of the order. Failure to make such claim within the stated period shall constitute irrevocable acceptance and an admission that they fully comply with terms, conditions, and specifications. In the event this invoice is not paid when due, the purchaser will pay all costs of collection including reasonable attorney's fees. All invoices will bear late charges at the rate of 1 1/2% per month if not paid in 30 days.

INVOICE TOTAL

5850.00

1 MWL

017N C-1770M

5170000700000

05:55

01/07/2010

INVOICE



A TOTAL GRAPHIC
SOLUTIONS
COMPANY

950 S.E. 8th STREET
MIAMI, FLORIDA
33108

DADE 305 885-8707
800 443-9599
FACSIMILE 305 880-9903

INVOICE NO. 162348-02

INVOICE DATE 06-05-09

SHIPPING DATE 06-05-09

FILE NUMBER

SOLD TO:

SCHOOL BOARD OF MIA-DADE COUNTY
ACCOUNTS PAYABLE
P.O. BOX 01-2570
MIAMI, FL 33101

SHIP TO:

PER INSTRUCTIONS

PLEASE REMIT TO: P.O. BOX #208453, HOUSTON, TX. 77216-00453

8,000

ENGLISH DROP 6/5

5850.00

R. DIAZ DE PORTILLA
"SCHOOL ISSUE SURVEY MAILING"
TWO VERSIONS — ENGLISH & SPANISH

LASER LETTER PACKAGE, DESIGN, COPY, TRANSLATION,
PRINTING, LASER PERSONALIZATION, FOLD, INSERT SEAL,
STANDARD POSTAGE & DELIVERY TO POST OFFICE

8 1/2 X 11 TWO COLOR TWO-PAGE LETTER
8 1/2 X 11 SURVEY FORM
#9 BUSINESS REPLY ENVELOPE
#10 WINDOW ENVELOPE

Terms: Payment shall be whatever was set forth in the quotation or invoice unless otherwise provided in writing. Claims for defects, damages or shortages must be made by the customer in writing within a period of fifteen (15) days after delivery of all or any part of the order. Failure to make such claim within the stated period shall constitute irrevocable acceptance and an admission that they fully comply with terms, conditions, and specifications. In the event this invoice is not paid when due, the purchaser will pay all costs of collection including reasonable attorney's fees. All invoices will bear late charges at the rate of 1 1/2% per month if not paid in 30 days.

INVOICE TOTAL

5850.00

FRVL 06/05/09

MULTI-SYSTEM

PT98270000

06:01

0102/10/21

INVOICE



A TOTAL GRAPHIC SOLUTIONS COMPANY

950 S.E. 8th STREET
#1450A, FLORIDA
33101

DADE 305 888-8707
800 443-9599
FACSIMILE 305 888-9903

INVOICE NO. 162348-03
INVOICE DATE 06-12-09
SHIPPING DATE 06-12-09
FILE NUMBER

SOLD TO: SCHOOL BOARD OF MIA-DADE COUNTY
ACCOUNTS PAYABLE
PO BOX 01-2570
MIAMI, FL 33101

SHIP TO:

PER INSTRUCTIONS

PLEASE REMIT TO: P.O. BOX #200453, HOUSTON, TX. 77216-00453

7,000

SPANISH DROP 6/12

5850.00

R. DIAZ DE PORTILLA
"SCHOOL ISSUE SURVEY MAILING"
TWO VERSIONS - ENGLISH & SPANISH

LASER LETTER PACKAGE, DESIGN, COPY, TRANSLATION,
PRINTING, LASER PERSONALIZATION, FOLD, INSERT SEAL,
STANDARD POSTAGE & DELIVERY TO POST OFFICE

8 1/2 X 11 TWO COLOR TWO-PAGE LETTER
8 1/2 X 11 SURVEY FORM
#9 BUSINESS REPLY ENVELOPE
#10 WINDOW ENVELOPE

Terms: Payment shall be whatever was set forth in the quotation or invoice unless otherwise provided in writing. Claims for defects, damages or shortages must be made by the customer in writing within a period of fifteen (15) days after delivery of all or any part of the order. Failure to make such claim within the stated period shall constitute irrevocable acceptance and an admission that they fully comply with terms, conditions, and specifications. In the event this invoice is not paid when due, the purchaser will pay all costs of collection including reasonable attorney's fees. All invoices will bear late charges at the rate of 1 1/2% per month if not paid in 30 days.

INVOICE TOTAL

5850.00

INVOICE



ADTOTAL GRAPHIC SOLUTIONS COMPANY 950 SE 8th STREET MIAMI, FLORIDA 33138

INVOICE NO. 162348-04 INVOICE DATE 06-19-09 SHIPPING DATE 06-19-09 FILE NUMBER

SOLD TO: SCHOOL BOARD OF MIA-DADE COUNTY ACCOUNTS PAYABLE PO BOX 01-2570 MIAMI, FL 33101

SHIP TO: PER INSTRUCTIONS

PLEASE PRINT TO: P.O. BOX #200451, HOUSTON, TX 77216-0453

7/000

SPANISH DROP 6/19

\$830.00

RE DIAZ BHERORJEEA SCHOOL ISSUES IN VERY MAILING TWO VANSIONS - ENGLISH & SPANISH

PLEASE PRINT TO: P.O. BOX #200451, HOUSTON, TX 77216-0453

INVOICE TOTAL

\$830.00

Miami-Dade County Public Schools
Office of the Inspector General

Exhibit 5

(Email from Rick Dodd to Anthony Pedicini of Public Concepts on 5/28/09 – 1 pages total)

IG09-47SB

Rick Dodd

From: Rick Dodd [rdodd@dodd-communications.com]
Sent: Thursday, May 28, 2009 9:37 AM
To: 'anthonyedicini@aol.com'
Subject: FW: school board dummies - revised
Importance: High
Attachments: school board 162348-04.jpg; school board 162348-03.jpg; school board 162348-02.jpg; school board 162348-01.jpg; image001.png

Thanks,
Rick Dodd

950 SE 8th Street
Hialeah, FL 33010
Ph. 305.885.8707 ext. 242
Cell. 305.345.2268
Fax. 305.888.9903
Toll Free. 800.443.9599
rdodd@doddprinters.com



***PLEASE NOTE THAT DODD PRINTERS HAS MOVED TO A NEW LOCATION & OUR PHONE NUMBERS HAVE CHANGED.**

***YOUR TOTAL SOLUTIONS PROVIDER IS NOW GREEN.**

***FSC (FOREST STEWARDSHIP COUNCIL) CERTIFIED - WE NOW GUARANTEE YOUR PAPER ON REQUEST WILL COME FROM WELL MANAGED FORESTS.**

*** SOY & VEGETABLE INKS WITH REDUCED VOC'S (VOLATILE ORGANIC COMPOUNDS) PRESERVE OUR PRECIOUS ENVIRONMENT**

*** MEMBER'S OF THE RAINFOREST ALLIANCE - WHICH CONSERVES BIODIVERSITY AND ENSURES GOOD LAND USE PRACTICES.**

From: Jeffrey DeLa Cruz [mailto:jeffrey@dodd-communications.com]
Sent: Wednesday, May 27, 2009 8:43 AM
To: Rick Dodd
Subject: school board dummies - revised
Importance: High

☺

Here you go!

Regards,

Nicole Rivera
Dodd Printers / Billing Dept.
950 S.E. 8th Street
Hialeah, FL 33010
305-885-8707 ext 268
Fax: 305-888-9903

8/14/2009

Miami-Dade County Public Schools
Office of the Inspector General

Exhibit 7

(Purchase Requisition entered on 5/29/09 – 1 page total)

IG09-47SB

NEXT FUNCTION:

ACTION:

06/11/2009 15:39:20

BROWSE:

** WARNING THIS IS NOT A PURCHASE ORDER. DO NOT SHIP **:

=====

REQUISITION NO.	: 02463722	REQUESTER ID	: 552
REQ. LINE NO.	: 0001	REQUESTER NAME	: BOARD MEMBERS'
STATUS	: CLOSED	PHONE	: 305-995-1334
CATEGORY	: 695	PRIORITY	: 1
ITEM DESCRIPTION	: ENGLISH NEWSLETTER PRINTING MAILING FOR 5/29	ITEM NO.	: 00

QUANTITY/PRICING INFORMATION

PREFERRED VENDOR/QUOTE

ITEM SUBSTITUTION ALLOWED: YES

STOCKKEEPING UNIT : EA

QUANTITY REQUIRED UNIT: 1

UNALLOCATED QUANTITY UNIT: 0

UNIT PRICE : 5,850.00000

PRICE TYPE :

VENDOR NO. : 0001323153

VENDOR SHORT NAME : DODDPRINT

QUOTE NUMBER :

ITEM SEQ. NO. :

QUOTE REQUIRED : NO

BLANKET PO REQUESTED

DATES

PO NUMBER :

ITEM REQUIRED DATE: 05/29/2009

RELEASE NUMBER :

PO REQUIRED DATE : 05/29/2009

FINAL APPROVAL DATE : 05/29/2009

NEXT REVIEW DATE : 05/29/2009

SHIP-TO

DATE ENTERED : 05/29/2009

552 - BOARD MEMBERS'

DATE LAST UPDATED : 06/01/2009

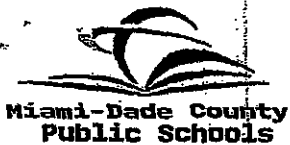
Handwritten signature and initials

Miami-Dade County Public Schools
Office of the Inspector General

Exhibit 8

(Purchase Order dated 6/2/09 and approved on 6/5/09 – 1 page total)

IG09-47SB



THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
1450 NORTHEAST SECOND AVENUE, MIAMI, FLORIDA 33132

ACCOUNTS PAYABLE **PURCHASE ORDER**

2009 JUN -5 PM 1:2 REQUESTER'S FILE COPY

P.O. NUMBER	RELEASE
802463722	

DATE	PAGE NO
06/02/2009	I

ODD PRINTERS
150 S E 8TH STREET
MIAMI LEAH FL 33010
001323153

**I
N
V
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C
E**
SCHOOL BOARD OF MIAMI-DADE CO.
ACCOUNTS PAYABLE
PO BOX 01-2570
MIAMI, FLORIDA
33101

10 **S
H
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P
T
O**
BOARD MEMBERS' OFFICE 9421
1450 NE 2 AVE ROOM 700
MIAMI, FLORIDA
305-995-1334 33132
BOARD MEMBERS' OFFICE 9421

PRICES F.O.B. DESTINATION PO NUMBER MUST APPEAR ON ALL INVOICES AND PACKING SLIPS FLORIDA TAX EXEMPTION NO. 85-8013887801C-1
MENT NET 30 DAYS - NO SUBSTITUTES ACCEPTED FEDERAL EXCISE TAX EXEMPTION NO. 59-74-0041K
PHONE: 305-557-1611 THIS ORDER IS NOT TRANSFERABLE DIRECT ALL INQUIRIES 305-995-4195
FAX: 305-558-3643 NO CONDITIONS MAY BE CHANGED EXCEPT BY BUYER ROBERT TYNDALL

DCPS CATEGORY / ITEM NUMBER	VENDOR ITEM NO	DATE DUE	QUANTITY	UOP	UNIT PRICE	AMOUNT
INVOICES: PRICE MUST MATCH PURCHASE ORDER PRICE AND INCLUDE ONLY ITEMS SHIPPED. CONTACT BUYER FOR ANY CHANGES. * ALL PROVISIONS OF FLORIDA STATUTE 257.36, 287.058 AND 287.133(2), AND CFR 34 PARTS 80 AND 85 CFR, FLORIDA ADMINISTRATIVE CODE CHAPTER 1B INCORPORATED BY REFERENCE HEREIN APP CHAIN: DIAZDELA 695 00 06/12/2009 ENGLISH NEWSLETTER PRINTING MAILING FOR 5/29 0100 5390 9455 7965 7100 IF YOU SHOULD HAVE ANY QUESTIONS PLEASE FEEL FREE TO CONTACT XMARY 1398						
			1	EA	5,850.00000	5,850.00

AUTHORIZED MANAGER SIGNATURE
 6/5/09
 5,850.00

END OF DOCUMENT

TOTAL \$ 5,850.00

REQUESTER'S FILE COPY

SIGNATURE

Miami-Dade County Public Schools
Office of the Inspector General

Exhibit 9

(Emails between Public Concepts and Diversified Direct
from 5/6/09 - 5/11/09 2/09 – 3 pages total)

IG09-47SB



David Ellenwood <pcu1001005@gmail.com>

[Fwd: Miami Dade List Order]

3 messages

David Ellenwood <dellenwood@divdir.com>
To: pcu1001005@gmail.com

Tue, Feb 23, 2010 at 3:23 PM

----- Original Message -----

Subject: Miami Dade List Order
Date: Fri, 8 May 2009 16:09:06 -0400
From: Thomas Piccolo <thomas.piccolo@gmail.com>
To: David Ellenwood <dellenwood@divdir.com>

Dave,

May I please ORDER two lists for the following:

List 1: REPUBLICAN HISPANIC HHLDs 57 YEARS and OLDER that VOTED in 2006 or 2008 REPUBLICAN PRIMARY in SD 36: 13,611

List 2 needs to be 16,000 HHLDs and prioritized by the following:

- a. NON HISPANIC 4 of 4 REPUBLICAN HHLDs in SCHOOL BOARD DISTRICT 5 in MIAMI DADE COUNTY: 566 with...
- b. NON HISPANIC 4 of 4 REPUBLICAN HHLDs in SENATE DISTRICT 36 WITHOUT SCHOOL BOARD DISTRICT 5 PORTION in MIAMI DADE COUNTY: 1953 with...
- c. PLUS 100 RANDOM COMBINATION of REP, DEM, & OTHERS in NON HISPANIC HHLDs 56 YEARS and UNDER that VOTED in 2006 or 2008 PRIMARY in each of the following HD 102, HD 103, HD 104, HD 106, HD 108, HD 110, HD 116, HD 119, HD 120: 900 with...
- d. REPUBLICAN HHLDs 56 YEARS and UNDER that VOTED in 2006 or 2008 REPUBLICAN PRIMARY in SD 36 = 17,104

So basically, on List 2, can take "a" through "c", and then whatever is left after that that is needed to get us to 16,000, can you fill it out with criteria "d". I figure we should have about 11,600 HHLDs that will come off list "d".

David Ellenwood <dellenwood@divdir.com>
To: pcu1001005@gmail.com

Tue, Feb 23, 2010 at 3:24 PM

----- Original Message -----

REPUBLICAN PRIMARY in SD 36: 12,961

REPUBLICAN HHLDs 59 YEARS and UNDER that VOTED in 2006 or 2008 REPUBLICAN PRIMARY in SD 36: 8036

Thomas Piccolo <thomas.piccolo@gmail.com>
To: David Ellenwood <dellenwood@divdir.com>

Wed, May 6, 2009 at 9:45 AM

Dave,

May I have a count for:

REPUBLICAN HISPANIC HHLDs 57 YEARS and OLDER that VOTED in 2006 or 2008 REPUBLICAN PRIMARY in SD 36:

REPUBLICAN HHLDs 56 YEARS and UNDER that VOTED in 2006 or 2008 REPUBLICAN PRIMARY in SD 36, PLUS 100 RANDOM COMBINATION of REP, DEM, & OTHERS in REPUBLICAN HHLDs 56 YEARS and UNDER that VOTED in 2006 or 2008 REPUBLICAN PRIMARY in each of the following HD 102, HD 103, HD 104, HD 106, HD 108, HD 110, HD 116, HD 119, HD 120:

[Quoted text hidden]

David Ellenwood <dellenwood@divdir.com>
To: Thomas Piccolo <thomas.piccolo@gmail.com>

Thomas Piccolo wrote:

Dave,

May I have a count for:

REPUBLICAN HISPANIC HHLDs 57 YEARS and OLDER that VOTED in 2006 or 2008 REPUBLICAN PRIMARY in SD 36: 13,611

REPUBLICAN HHLDs 56 YEARS and UNDER that VOTED in 2006 or 2008 REPUBLICAN PRIMARY in SD 36 = 17,104

, PLUS 100 RANDOM COMBINATION of REP, DEM, & OTHERS in REPUBLICAN HHLDs 56 YEARS and UNDER that VOTED in 2006 or 2008 REPUBLICAN PRIMARY in each of the following HD 102, HD 103, HD 104, HD 106, HD 108, HD 110, HD 116, HD 119, HD 120:

On Tue, May 5, 2009 at 11:26 AM, David Ellenwood <dellenwood@divdir.com> wrote:

Thomas Piccolo wrote:

Dave,

May I please have a count for the following:

*After discussion w/ the members
this new count was created
as a "test" to see what the
rate of return would be best for
future mailings.*

*We decided to add the
count for SBDS.*

Subject:Re: Miami Dade List Order

Date:Mon, 11 May 2009 10:57:07 -0500

From:David Ellenwood <dellenwood@divdir.com>

To:Thomas Piccolo <thomas.piccolo@gmail.com>

References:<59f02dc00905081309p5703e70cu70b6d110ffe3139a@mail.gmail.com>

Thomas Piccolo wrote:

Dave,

May I please ORDER two lists for the following:

List 1: REPUBLICAN HISPANIC HHLDS 57 YEARS and OLDER that VOTED in 2006 or 2008
REPUBLICAN PRIMARY in SD 36: 13,611

List 2 needs to be 16,000 HHLDS and prioritized by the following:

- a. NON HISPANIC 4 of 4 REPUBLICAN HHLDS in SCHOOL BOARD DISTRICT 5 in MIAMI DADE COUNTY: 566 with...
- b. NON HISPANIC 4 of 4 REPUBLICAN HHLDS in SENATE DISTRICT 36 WITHOUT SCHOOL BOARD DISTRICT 5 PORTION in MIAMI DADE COUNTY: 1953 with...
- c. PLUS 100 RANDOM COMBINATION of REP, DEM, & OTHERS in NON HISPANIC HHLDS 56 YEARS and UNDER that VOTED in 2006 or 2008 PRIMARY in each of the following HD 102, HD 103, HD 104, HD 106, HD 108, HD 110, HD 116, HD 119, HD 120: 900 with...
- d. REPUBLICAN HHLDS 56 YEARS and UNDER that VOTED in 2006 or 2008 REPUBLICAN PRIMARY in SD 36 = 17,104

So basically, on List 2, can take "a" through "c", and then whatever is left after that that is needed to get us to 16,000, can you fill it out with criteria "d". I figure we should have about 11,600 HHLDS that will come off list "d".

2 attachments

 0508sd36list1h.dbf
1503K

 0508list2.dbf
1766K

Miami-Dade County Public Schools
Office of the Inspector General

Exhibit 10

(State Attorney's Office Closeout Memorandum dated May 4, 2011 – 11 pages total)

IG09-47SB



CLOSE-OUT MEMO
Criminal Investigation

Public Corruption Unit

A.S.A.: CAROL A. JORDAN

INVESTIGATION #: 64-09-103

SIGNATURE:

DATE: March 28, 2011

JOSEPH M. CENTORINO, Division Chief, PC Unit

DATE: 4/27/11

JOSE J. ARROJO, Chief Assistant

DATE: 5/4/11

ORIGINATION DATE: 12/2/2009

SUBJECT(S): Renier Diaz De La Portilla

EMPLOYMENT: Miami Dade County Public Schools
Board Member

INVESTIGATOR: J. Kennedy

INTERNAL AFFAIRS

AGENCY: MDCPS - OIG

INVESTIGATOR:

PHONE:

AGENCY:

PHONE:

CONCLUSION

CHARGES FILED

COURT CASE NUMBER:

CRIME

STATUTE

DEGREE

OTHER: NO CHARGES FILED.

INTRODUCTION:

The Office of the State Attorney opened an official investigation, based upon a referral from the Miami-Dade County Public Schools Office of the Inspector General (hereinafter MDCPS-OIG), to determine whether or not Renier Diaz de la Portilla committed the crimes of Official Misconduct and/or Grand

Theft. The MDCPS-OIG received information that Board Member Renier Diaz de la Portilla (hereinafter RDDLP) used official school board funds to create and disseminate a political flyer and questionnaire that were targeted to voters residing in Florida State Senate District 36, which was represented by the subject's brother, Alex Diaz de la Portilla. At the time the flyer/questionnaire at issue was created and mailed, Senator Alex Diaz de la Portilla was the term-limited Florida State senator representing Senate District 36. The subject's second brother, Miguel Diaz de la Portilla, was a candidate for that same seat in the upcoming election to be held in November 2010. Miguel Diaz de la Portilla won the election. The allegation was that the subject utilized School Board funds for political purposes unrelated to school business and, in so doing, created false official documents to justify same.

This Assistant State Attorney (hereinafter ASA) was assigned to investigate whether or not any crimes were committed in relation to this flyer/questionnaire. Numerous witnesses were interviewed by the investigators and this prosecutor. Sworn statements were obtained from most of these witnesses. These witnesses included employees from the following entities:

- Public Concepts, the political consulting firm hired by the subject to design/create the flyer,
- Dodd Printers/Liberty Mailing, the printing firm hired by Public Concepts to print and mail the flyer and bill the school board,
- Diversified Direct, Inc., a political consulting firm hired by Public Concepts, that created and supplied the mailing lists for the flyer/questionnaire,
- RDDLP's School Board staff,
- Other employees of various MDCPS departments, e.g. Procurement, Accounts Payable, School Board Attorney's Office, Information Technology Section, etc.
- Florida State Senator Miguel Diaz de la Portilla, the subject's brother, who at the time of the flyer/questionnaire was a Republican candidate in the election for Florida State Senate District 36.

RDDLDP was not interviewed. While RDDLP offered to come in and give a statement to investigators at the investigation's inception, acceptance of that offer was deferred until the investigators and this prosecutor had a firmer understanding of the facts of this case. RDDLP ultimately declined the official request of the Office of the State Attorney to voluntarily appear and answer questions, through his attorney, Michael Band, Esq.

In addition to witness interviews, this ASA obtained and reviewed documentary evidence related to the flyer/questionnaire at issue. This documentary evidence includes emails, MDCPS procurement documents, invoices, US Postal records and other paperwork.

Finally, similar documentation was obtained from various sources regarding three previous flyers/letters/questionnaires, which the subject caused to be created and mailed. These documents were reviewed to determine whether or not any circumstantial evidence existed regarding the subject's past practices. These previous Diaz de la Portilla flyers/letters/questionnaires differed from the one at issue in the following ways:

- (1) The previous flyers/letters/questionnaires were not targeted to citizens residing within Florida Senate District 36.

- (2) The invoices for the previous jobs were not "split" into separate jobs to avoid the School Board requirement that purchases in excess of \$6,000 require an attempt to obtain three rival quotes.
- (3) No work performed by a company participating in the production and mailing of the previous mailers/questionnaires was "masked", i.e. hidden from public scrutiny by the use of a billing party other than the actual vendor, such as the work done by Public Concepts in the instant case.

A review of these previous Diaz de la Portilla mailers and flyers showed some similarity to the present flyer/questionnaire at issue:

- (1) The content of at least one previous questionnaire was substantially similar to the current questionnaire.
- (2) RDDLP and/or his staff contracted with the various companies involved in the job and caused these companies to commence work before any purchase order was executed and/or officially approved.
- (3) Monies from the RDDLP's discretionary School Board funds paid for the work.

Lastly, documentation was obtained and reviewed regarding other School Board members' flyers/letters/questionnaires sent in the past. All of the mailings offered the reader information on the School Board's accomplishments, important issues, and/or upcoming events. Unlike Diaz de la Portilla, other Board members followed MDCPS procurement rules with no apparent violations. Lastly and most importantly, it does not appear that other Board members targeted their flyers to persons living in a political district wherein a relative was running for office.

INVESTIGATIVE FINDINGS OF FACT:

A careful review of the evidence reveals the following regarding the RDDLP flyer/questionnaire at issue in this investigation:

Sometime after March of 2009, RDDLP, in his official capacity as School Board member, engaged a political consulting firm (Public Concepts) to design, produce and mail a flyer/questionnaire¹. Public Concepts has never been an official, registered School Board vendor. Because Public Concepts was not an official School Board vendor, it was impossible for Public Concepts to directly bill MDCPS for the completed work and get paid. Instead, all billing was done through the printer, Dodd Printing.

Evidence proves that RDDLP personally negotiated with an employee of Public Concepts to reach a final total price of \$23,400 for 30,000 copies of the flyer/questionnaire. Approximately 14,000 copies of the flyer/questionnaire were in Spanish and 16,000 in English. According to all parties involved in the transaction, Public Concepts' compensation was \$7,376.43 for designing the flyer, plus \$5,803.57 for postage that Public Concepts fronted to Liberty Mailing. Public Concepts hired Dodd Printing as a subcontractor to print and mail the flyer. RDDLP never negotiated with any employee of Dodd Printing. Dodd Printing was to receive \$10,220.00, for printing and mail preparation. No bids from rival companies were obtained by RDDLP, in violation of School Board procurement rules, which generally

¹ A copy of the RDDLP flyer and questionnaire at issue in this investigation is attached hereto.

require the "using department" or MDCPS Procurement Department to attempt to obtain 3 quotes for work in excess of \$6,000.

RDDLDP staffer Mary Carabeo testified that she was instructed to obtain purchase orders for this transaction by RDDLDP. Shortly after receiving these instructions, Ms. Carabeo testified that she began to input information into the MDCPS procurement system in the form of a Requisition for Purchase Order. After obtaining verbal approval from RDDLDP for "the purchase", Ms. Carabeo used RDDLDP's user name and password and entered RDDLDP's approval in the system. There is no evidence that RDDLDP ever personally saw these computerized requisitions and the information detailed therein. According to Ms. Carabeo, RDDLDP gave her his MDCPS computer user name and confidential password to enter approvals such as this into the system. Ms. Carabeo stated that she has never entered an approval into the system without RDDLDP's express approval of "the purchase". However, this approval method used by RDDLDP is in clear violation of School Board rule 6Gx13-6A-1.112. Generally, this rule prohibits the sharing of passwords with anyone and holds users responsible for all activity associated with their account. Moreover, it is clear from the evidence that RDDLDP's instructions and verbal approval of the Requisitions for Purchase Order occurred after the flyer/questionnaire was designed by Public Concepts and after the printing and mailing work had commenced by Dodd Printing and Liberty Mailing. According to testimony of MDCPS Procurement Department employees, obtaining approval for purchase orders after goods are received or services have commenced is a violation of MDCPS procurement rules.

Public Concepts employees testified that RDDLDP and his staff worked together with Public Concepts to create the content and the layout of the flyer/questionnaire. Public Concepts and RDDLDP also worked together to decide upon the composition of the flyer/questionnaire's intended recipients, in terms of political affiliation, district of residence, language spoken, age, and frequency of voting. The Public Concepts employee assigned to the project was Anthony Pedicini.

The investigation revealed that RDDLDP's flyer/questionnaire was targeted primarily to "Republican super voters", residing in Senate District 36. A "Republican super voter" is a voter who is registered as a Republican, and who voted in a number of recent elections. The Spanish list consisted solely of Republican super voters who were over the age of 57. Regarding the English list, approximately 54% were mailed to Republican super voters under the age of 57, who live in Senate District 36. The balance of the English mailing list was sent to voters living outside of Senate District 36, primarily in other Florida house districts in and around Miami-Dade County. It should be noted that RDDLDP's School Board District 5 overlaps a small area of Florida Senate District 36. However, only a very small portion of these fliers were mailed to Republican super voters who live in the area of intersection.

According to sworn testimony of Public Concepts' employees, "super voters" were targeted to increase the likelihood of a higher rate of return. Public Concepts' employees felt that if the questionnaire were sent to persons who were active in the political process and who exercised their right to vote more frequently, there would be a higher likelihood of the recipient taking the time to complete the questionnaire and return it to RDDLDP. According to Public Concepts' employees, they had no knowledge of any intent on the part of RDDLDP to share any information regarding the flyer/questionnaire with his brother, the candidate in Senate District 36. Public Concepts denied any contact with Miguel Diaz de la Portilla related to this issue and denied sharing the information with him. The subject's staff testified that they never provided any information to anyone outside of RDDLDP's

office, other than Public Concepts employees. While the subject's staff admitted that they had worked on the Miguel Diaz de la Portilla campaign, each stated that the flyer/questionnaire's content and feedback were never discussed with anyone on behalf of the campaign. Miguel Diaz de la Portilla also stated to OIG investigators that to his knowledge, no flyer/questionnaire information was shared with his campaign.

RDDLDP received some negative feedback from recipients, who questioned why they were receiving the flyer/questionnaire, given that RDDLDP was not their School Board representative. Recipients also questioned how and why RDDLDP paid for (and wasted money on) the flyer, given the financial woes facing MDCPS in general. Faced with this negative feedback, RDDLDP sent an email to his staff on 6/1/2009, and instructed them to respond that the flyer/questionnaire "was intended to be only the first phase of a county-wide survey designed to get a cross-section of Miami-Dade resident attitudes regarding the quality of our public schools, the results of which he intended to report to the Board at some future date." It should be noted that the MDCPS-OIG investigation began on 6/10/2009, when the OIG requested a copy of the purchase order and mailing list from Dodd Printing. Public Concepts employees corroborate in sworn testimony that the subject's intent from the beginning of this project (March 2009) was to send out the flyer/questionnaire in "phases", based upon their conversations with RDDLDP. They state that current flyer was merely the first "phase".

Consistent with Public Concepts employees' testimony that the flyer/questionnaire at issue was part of a broader scheme to obtain voter feedback, on 6/16/2009, RDDLDP emailed Public Concepts. RDDLDP asked Public Concepts to review mailing data so that they could target the next phase of their community outreach program. In the email, RDDLDP stated that he next wanted to get more coverage in the Hialeah and North Miami areas. RDDLDP asked Public Concepts to obtain the data for 5,000 households in each area to be mailed in July and September of 2009².

According to the School Board attorney Luis Garcia, on or about 5/4/2009, the subject requested an oral opinion regarding the propriety of sending mail/flyers to citizens outside of his School Board district, i.e. countywide. The School Board attorney testified that he was unaware of any rule that prohibited a Board member from mailing items outside of the Board member's individual district. Further, the attorney referenced a Florida State Statute, which states that a School Board member represents all citizens, not just those residing in his or her individual School Board district. The attorney opined that a flyer or questionnaire could be mailed county-wide, and issued an oral opinion to RDDLDP on or about 5/5/2009. On 6/12/2009, RDDLDP asked the School Board attorney to memorialize their communications related to this issue in written form. Regarding the flyer/questionnaire's content, the School Board attorney stated that there must be an "educational reason" for expending School Board funds, not solely a political reason. The School Board attorney testified that he was unaware that RDDLDP was going to target voters primarily residing in a Florida Senate district situated largely outside of the subject's School Board District. The School Board attorney was also unaware that the subject was going to target voters primarily residing in a Florida Senate district wherein the subject's brother was a candidate for public office.

² Unlike the 6/1/2009 email previously mentioned, the evidentiary value of this 6/16/2009 email has been given little weight by this ASA or the investigating agents, as it is believed that RDDLDP was well aware of the MDCPS-OIG investigation at the time it was authored. The email is mentioned here for purposes of completeness, only.

Once the subject approved the flyer/questionnaire's final layout, Public Concepts sent the final Spanish and English versions to Dodd Printing, the printing subcontractor hired by Public Concepts. Public Concepts also forwarded to Dodd Printing the Spanish and English mailing lists, which Public Concepts had obtained from a second subcontractor.

Dodd Printing and its associated company Liberty Mailing were responsible for printing approximately 30,000 copies and mailing the copies to the intended recipients, respectively. Public Concepts fronted money for the postage to Dodd Printing/Liberty Mailing via corporate check. The flyer/questionnaire was designed and more than 15,000 were printed and mailed before any purchase order was obtained by RDDLP or his staff. Dodd printed the English list first, as the Spanish list was delayed due to technical printing issues, i.e. bar coding problems. Public Concepts never issued an invoice to MDCPS. Instead, invoices in the name of Dodd Printing were created and forwarded to RDDLP for processing. Based upon the request of RDDLP and his staff, Dodd created four separate invoices. Each invoice was in the amount of \$5,850 and the final invoices were dated one week apart. This amount is significant because RDDLP had authority to personally approve any expenditure under \$6,000, without obtaining rival bids. Further, the amount of the invoices was not limited to the work done by Dodd Printing. The price also included amounts payable to Public Concepts for its fee and postage reimbursement.

Liberty Mailing, an affiliate of Dodd Printing, provided bulk mail preparation and mailing services. According to employees of Liberty Mailing, they were instructed by Public Concepts to mail the copies out as soon as possible after receiving them from the printer. Liberty Mailing was never instructed to mail the flyers/questionnaires out in four separate but equal mailings. The President of Liberty Mailing testified that they complied with Public Concepts' instructions and mailed the pieces out as they were processed and prepped. Liberty Mailing delivered the pieces to the US Postal Service in four separate batches, based upon Liberty Mailing's ability to process and prep the pieces for mailing; not based upon any instructions from Public Concepts.

While approximately 30,000 copies of the flyer were printed by Dodd Printing pursuant to their agreement with Public Concepts, only 29,608 pieces were mailed by Liberty Mailing based upon the supplied mailing lists. Bad or incomplete addresses were disregarded. According to U.S. Postal Service records, 29,608 pieces were mailed on the following dates in the following amounts:

<u>DATE</u>	<u>NO. PIECES MAILED</u>
5/29/2009	6,806
6/01/2009	9,194
6/04/2009	8,251
6/05/2009	5,357

Based upon a request of RDDLP through his staff member, Dodd Printing split the invoice for this job into four separate but equal invoices dated one week apart, in apparent violation of School Board rules. School Board rule 6Gx13-3C-1.091 states that splitting requisitions to bypass approval requirements and the bidding process is specifically forbidden. Evidence proves that only one price was negotiated with Public Concepts for this work, i.e. \$23,400. Despite this, Public Concepts employees testified that all involved contemplated from the inception that the flyer/questionnaire would be mailed out in four separate batches. RDDLP staffer Mary Carabeo also testified that RDDLP stated to her that the flyer/questionnaire would be mailed in four separate batches, approximately one week apart. Ms.

Carabeo testified that RDDLP had told her this at or around the time that she was processing the purchase order requisitions. Ms. Carabeo testified she understood from RDDLP that the four batches were necessary to ensure a more manageable rate of return regarding the anticipated responses.

RDDLDP and his staff violated School Board rules by failing to obtain an approved Purchase Order before work commenced. According to School Board rules, upon coming to an agreement with an approved School Board vendor to supply goods or services to the School Board, a MDCPS employee is obligated to obtain a valid purchase order. To do so, the employee must complete a Requisition for Purchase order. After the requisition is reviewed and approved by persons with authority, information in the Requisition for Purchase Order is used to create a valid MDCPS Purchase Order that is sent to the MDCPS approved vendor. Only after the vendor receives the Purchase Order, does the vendor supply the goods or services and issue an invoice to MDCPS. Depending upon what is being purchased and the amount of the purchase, different procurement rules apply. RDDLP never adhered to these rules³.

Consistent with the RDDLP instructions, Dodd Printers created four invoices each in the amount of \$5,850.00. However, Dodd Printing dated all of the invoices 5/18/2008, despite all work being done in 2009. In response to receiving these invoices, RDDLP staffer Viviana Jordan responded on 5/26/2009 via email with instructions to Public Concepts/Anthony Pedicini to date the invoices one week apart, in order to "justify it to purchasing". It appears from the email that Ms. Jordan received her information regarding the dating of the invoices from RDDLP staffer Mary Carabeo, who was copied on the email. Consistent with these instructions, Dodd changed the dates on the four invoices.

A review of the four Dodd invoices reveals that the invoices were inaccurate in the following ways:

- The scope of work includes "design". Dodd printing did no design work. Public Concepts did all design work.
- The amount owed to Dodd Printing and their affiliate company Liberty mailing for the printing and mail preparation services was \$10,220.00. Yet the amount billed to the school board was the full \$23,400.00.
- The scope of work indicates "translation". The investigation revealed that all translation services were performed by RDDLP's staff, not an outside vendor. However according to Public Concepts, there was no additional fee for translation services.
- The drop dates and quantities in the invoices are inaccurate. As indicated above, Liberty Mailing had processed and mailed all pieces of mail by 6/5/2009. However, the Dodd invoices state the following:

<u>INVOICE NO.</u>	<u>AMT</u>	<u>INV DATE</u>	<u>QTY</u>	<u>ADDL INFO</u>
162348-01	\$5,850	5/29/2009	8,000	English drop 5/29
162348-02	\$5,850	6/05/2009	8,000	English drop 6/05
162348-03	\$5,850	6/12/2009	7,000	Spanish drop 6/12
162348-04	\$5,850	6/19/2009	7,000	Spanish drop 6/19

³ It should be noted that RDDLP has violated this rule in the past regarding other flyers/questionnaires he caused to be produced and mailed, wherein there was *no issue* of unlawful political gain. Therefore, the circumstantial evidence of his violation of this procurement rule related to the timing of the purchase orders in this case is given lesser weight by this prosecutor, due to these circumstances.

MDCPS has not paid Dodd Printing for this work as of the date of this memo. Further, employees from both Public Concepts and Dodd Printing testified that neither company has requested payment personally from RDDLP. MDCPS has made no request that RDDLP personally pay for this flyer/questionnaire.

LEGAL ANALYSIS:

The following criminal charges were considered by this ASA:

- Grand Theft in violation of §812.014, Fla. Stat.,
- Official Misconduct in violation of §838.022, Fla. Stat.

It is the opinion of this ASA that insufficient evidence exists to prove beyond a reasonable doubt, that RDDLP violated either of these criminal statutes based upon the conduct at issue in this investigation. Each crime and the legal analysis pertinent thereto will be discussed below:

A. GRAND THEFT

This ASA does not believe that the facts revealed in this investigation support a charge of Grand Theft. To prove the crime of Grand Theft, the State must prove the following elements beyond a reasonable doubt:

1. RDDLP knowingly and unlawfully obtained or used MDCPS funds
2. RDDLP did so with intent to either temporarily or permanently appropriate the property of MDCPS to his own use or to the use of any person not entitled to it.

As defined by the statute, "obtains or uses" means (in part) making any unauthorized use, disposition or transfer of property, and conduct previously known as conversion. Further, it is clear from case law that the State must prove a specific intent to steal.

This ASA does not believe that evidence exists to prove beyond a reasonable doubt that RDDLP had the specific intent to steal. In examining this issue, the investigation focused on both the flyer's content and its recipients. Funds used to pay for the flyer/questionnaire at issue were MDCPS monies allocated to RDDLP's "general purpose fund". Generally, School Board members receive an annual allocation of approximately \$250,000 each, to run their offices. The purpose of these funds is to enable a Board member to hire staff, purchase office supplies, and to use for any other purpose so long as the purpose is to support education. A Board member has nearly total discretion in deciding how these funds are spent. The only restriction on these funds is that they be used for an educational purpose and that Board members comply with MDCPS procurement and purchasing rules.

It appears from evidence gathered in the investigation, that Board members occasionally use these funds to send out various mailings to constituents, touting their work or that of the School Board. This ASA believes that the flyer/questionnaire disseminated by RDDLP fits into this general purpose. The RDDLP flyer is restricted solely to issues facing MDCPS. The attached questionnaire also deals with issues related to public education.

School board rule 6Ex13-3C-1.14 holds that MDCPS employees and Board members can be held personally responsible for expending School Board funds without authorization. Investigators interviewed School Board Attorney Luis Garcia and the Superintendent of MDCPS, Alberto Carvalho. Neither witness could definitively state whether RDDLP's expenditure of School Board funds was wrongful. It appears that to date, over eighteen months after this investigation came to light, the School Board has failed to demand that RDDLP pay for this flyer with his personal funds. If MDCPS, the potential victim in the case, cannot say whether or not School Board funds were spent wrongly for non-public purposes, criminal charges for Grand Theft could not likely be sustained.

This ASA notes that, while the fact that the flyer/questionnaire was specifically targeted to his brother's Florida State Senate District, i.e. Senate District 36, evidence exists that this "targeting" may not have been corruptly purposeful. Various pieces of circumstantial evidence support a defense theory that RDDLP possessed no specific intent to steal.

As stated in the email of 6/1/2009 from RDDLP to his staff, this flyer was intended to be "first phase of a county-wide survey designed to get a cross section of Miami-Dade resident attitudes regarding the quality of our public schools, the results of which [he intended] to report to the Board at some future date." This email exchange on 6/1/2009 was sent out nine (9) days before any official investigation was opened by the MDCPS-OIG. Before the OIG investigation was even opened, RDDLP stated his intent in this email, i.e. that this was only the first phase of a county-wide survey.

RDDLDP's statement of intent is corroborated by his earlier interaction with the School Board attorney in May, 2009. At that time, RDDLP asked if there was any law or rule barring him from mailing a flyer to residents outside of his district, i.e. to the county at large. RDDLP was told that there was no rule or law that prohibited a Board member from sending flyers/mailers to constituents living outside his School Board District. He was told that he represents all residents of Miami-Dade County, not just those living in his district.

The composition of the English mailing list supports this defense theory as well. While the majority of recipients from the English list lived within Senate District 36, slightly less than half of the recipients did not. Slightly less than half of the English list recipients lived in various other Florida Senate Districts that were also specifically targeted. While the English list was comprised mostly of Republican voters, it also contained some Democrats, albeit very few.

This, coupled with the witness statements mentioned above regarding the lack of any involvement of the subject's brother, leads this prosecutor to believe that there is insufficient evidence to prove that RDDLP had a specific intent to steal. For this reason alone, criminal charges cannot be filed.

B. OFFICIAL MISCONDUCT:

This ASA has determined that the facts discovered in this investigation cannot support a charge of Official Misconduct. Fla. Stat. 838.022, states in part:

It is unlawful for a public servant, with corrupt intent to obtain a benefit for any person or to cause harm to another, to falsify or cause another to falsify any official record or official document.

It is clear that false and/or misleading statements are contained in the invoices, purchase order requisitions and purchase orders, and that the information was reviewed by RDDLP. Further, other procurement rules were violated by RDDLP or his staff members in failing to obtain bids from other companies, using a vendor not registered with MDCPS, and splitting the invoices. In many instances, RDDLP staffers admitted fault. As in any case regarding false statements, difficult questions arise as to whether or not the false statements were made with corrupt intent to obtain a benefit for any person or to cause harm to another. This ASA believes that the State could not prove beyond a reasonable doubt: (1) that RDDLP possessed corrupt intent or (2) that RDDLP obtained a benefit for himself or another or caused harm to another.

Florida Statute §838.014(4) defines "corruptly" or "with corrupt intent" as acting knowingly and dishonestly for a wrongful purpose. Based upon the same reasoning above regarding the specific intent to steal, this prosecutor does not believe that the evidence proves beyond a reasonable doubt that RDDLP possessed a corrupt intent when these false statements were made or caused to be made. Evidence does exist, consistent with a reasonable hypothesis of innocence, that the targeting of these flyers was part of a larger scheme or community outreach program. This, coupled with RDDLP staffers confessing fault and/or "mistakes" in the procurement process, leads this prosecutor to believe that there is insufficient evidence of corrupt intent to file charges of Official Misconduct in this case.

In addition to a lack of evidence regarding corrupt intent, evidence is lacking regarding whether or not there was a benefit or intent to benefit in this case. This investigation also examined whether or not anyone (i.e. Miguel Diaz de la Portilla) received any benefit from the flyer/questionnaire. As defined in §838.014(1), Florida Statutes,

"benefit" means gain or advantage, or anything regarded by the person to be benefitted as a gain or advantage, including the doing of an act beneficial to any person in whose welfare he or she is interested, including any commission, gift, gratuity, property, commercial interest, or any other thing of economic value not authorized by law.

It is the opinion of this ASA that there is also insufficient evidence to prove that either RDDLP or his brother Miguel received a benefit from this flyer. This ASA notes that RDDLP did admit to a local television news journalist that the flyer/questionnaire could benefit his brother. However, RDDLP was not specific as to the exact nature of this "benefit". One theory examined by the investigators was that Miguel Diaz de la Portilla and/or his campaign benefitted by obtaining the questionnaire responses, similar to free polling services. However, there is no evidence that the flyer was designed and/or disseminated with any intent to benefit Miguel. There is no evidence that any aspect of the flyer/questionnaire was shared with the candidate or his campaign. This ASA notes that because the flyer/questionnaire was purchased with official School Board funds, responses received by RDDLP's office are the property of MDCPS and official public records pursuant to Fla. Stat. 119. The RDDLP questionnaire responses were equally available to the public at large upon proper request, including any candidate for public office. RDDLP was unable to legally deny anyone access to the questionnaire responses, even his brother's political opposition. Moreover, Miguel Diaz de la Portilla, in his statement

to investigators, stated that he and his campaign had never been provided with the information obtained from the mailing.

A second theory of benefit examined by the investigators was the possibility that Miguel Diaz de la Portilla or his campaign benefitted from the flyer/questionnaire in terms of name recognition gained by voters having been asked questions that included mention of the Diaz de la Portilla name. It is the opinion of this ASA that this alleged benefit is tenuous at best. While generally all politicians strive to increase name recognition and obtain publicity, name recognition does not appear to have been an issue for the Miguel Diaz de la Portilla campaign. Senate District 36 has been represented by someone with the name of Diaz de la Portilla since 2002. The Diaz de la Portilla name is in no way a new name in Miami-Dade County politics. Lastly, it is clear from the flyer itself that the flyer was being sent on behalf of RENIER Diaz de la Portilla, and not MIGUEL. There is absolutely no ambiguity on this issue. This ASA does not believe that any reasonable person could read the flyer at issue in this case, and believe that it was from anyone other than RENIER.

For the reasons stated above, it is the opinion of this ASA that the Official Misconduct charge cannot be proven beyond a reasonable doubt.

CONCLUSION:

While RDDLP's decision to create the attached flyer/questionnaire, disseminate it in the manner delineated above, and cause MDPCS to be billed in a manner that violated MDCPS procurement rules was inadvisable for many reasons, based upon the evidence taken as a whole and the arguments stated above, this ASA does not believe that there is sufficient evidence to support the filing of criminal charges in this case. Concurrent with this joint criminal investigation, the MDCPS OIG conducted its own inquiry regarding administrative issues uncovered by this investigation. It is anticipated that a MDCPS OIG report will be released subsequent to this memo.

Miami-Dade County Public Schools
Office of the Inspector General

Appendix 1A

Response to draft report received from Mr. Renier Diaz de la Portilla

(2-page response with 18 pages of attachments)

Final Report
IG09-47SB

RENIER DIAZ DE LA PORTILLA
MIAMI-DADE COUNTY SCHOOL BOARD MEMBER
1450 N.E. 2ND AVENUE SUITE 700
MIAMI, FLORIDA 33132

Statement Regarding Mr. Mazzella's Investigation:

I am pleased that the Miami-Dade State Attorney's Office recently closed an investigation into the mailing of my constituent survey; putting to rest what I have asserted all along was a tempest in a teapot.

I am disheartened, however, that the much less credible Office of the Inspector General (OIG) has morphed into a wasteful, taxpayer-funded kangaroo court that answers only to the whims of its leader, Mr. Chris Mazzella.

History has shown us that power run amok is a dangerous thing. When I and other members of the Miami-Dade School Board began to question Mr. Mazzella about the cost and effectiveness of his investigations (attached), I became the target of a defamatory campaign.

As the un-elected head of the OIG for a non-term limited 13 years now, Mr. Mazzella has actively lobbied for the procurement of his services for government contracts through no-bid solicitations. While our teachers and most government employees are denied pay raises, Mr. Mazzella's taxpayer-funded staff and salary continue to grow (attached). While most lament the out-of-control growth of retirement and pension payouts in the public sector, Mr. Mazzella triple-dips from his benefits, from Miami-Dade Public Schools, and from Miami-Dade County government. At a time when residents are frustrated with overpaid bureaucrats, few know that Mr. Mazzella's salary and benefits exceed \$400,000.

Just months after the ouster of elected officials for increasing government salaries and taxes in a time of economic hardship, Mr. Mazzella has recently come under fire for submitting vague invoices to the school board for services allegedly rendered (attached), and for increasing his and his employees' hourly rates

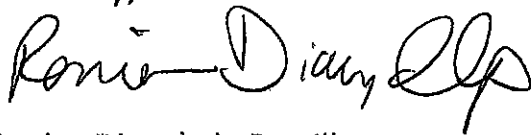
without school board authorization (attached). Mr. Mazzella's office refuses to disclose details of concluded investigations, and refuses to submit to independent evaluations of his performance. He is accountable to no one. Anyone interested in the truth should review the cost of Mr. Mazzella's services to the county and the school district over the years. I am sure they will find that the numbers don't pan out in favor of the taxpayers.

While Mazzella smugly judges me and my office, he conceals that the complaint that triggered this inquiry was filed by the discredited Julio Robaina, an adversary who at the time was seeking political advantage in an election to the State Senate.

There are many inaccuracies, assumptions, and unsubstantiated conclusions in Mr. Mazzella's report which have been addressed in my attorney's letter. Mr. Mazzella's language and innuendo in his report are clearly intended to do me unjust harm.

The bottom line: My office sought and **obtained** prior approval and followed the advice of the School Board Attorney before moving forward with mailing out the citizen survey (attachment 1); my staff followed the instructions of the superintendent's professional procurement office which is ultimately responsible for all procurement matters (attachment 1); there was zero cost to the taxpayers; there was absolutely no violation of any law or rule (attachment 1); and all inquiries into this matter have been closed.

Sincerely,

A handwritten signature in black ink that reads "Renier Diaz de la Portilla". The signature is written in a cursive style with a large, stylized "R" and "D".

Renier Diaz de la Portilla

Attachment 1

12/31/09

Reply ▾ Harvey, Walter J.



Harvey, Walter J.

Walter.Harvey@dadeschools.net

- Send email
- Find email

Add to contacts

To Diaz Delaportilla, Renier D., Renier Diaz de la Portilla, Garcia, Luis M.

From: **Harvey, Walter J.** (Walter.Harvey@dadeschools.net)

Sent: Thu 12/31/09 4:16 PM

To: Diaz Delaportilla, Renier D. (rdiazdelaportilla@dadeschools.net)

Cc: Garcia, Luis M. (LMGarcia2@dadeschools.net)



Attachments, pictures and links in this message have been blocked for your safety.

Show content | Always show content from Walter.Harvey@dadeschools.net

This will memorialize our earlier discussions concerning your specific questions regarding School Board Rules 6Gx13-3C-1.10, 6Gx13-3C-1.11 and 6Gx13-3C-1.15.

- **Purchases Greater than \$25,000** - The general rule is that School Board Members and other District personnel must use a "formal bid" for a purchase greater than \$25,000, subject to several limited exceptions. See 6Gx13-3C-1.11 Non-salaried Expenditures, Bidding Process – Competitive Bidding Requirements (I. Formal Bids). Procurement staff is not required to award the vendor with the lowest bid, but award the vendor bidding the "***lowest price meeting specifications.***" Id. I & II.
- **Purchases Between \$6,000 and \$25,000** - If the purchase is between \$25,000 and the amount set by Procurement Management (\$6,000), the general rule is that staff is required to obtain at least "three written, telephone or electronic" quotations from three or more sources, subject to several limited exceptions. See 6Gx13-3C-1.11 Non-salaried Expenditures, Bidding Process – Competitive Bidding Requirements (II. Written, Telephone, or Electronic Quotations). For purchases in this category, procurement staff is not required to award the vendor with the lowest quote, but the vendor quoting the "***lowest price meeting specifications.***" Id. at II.
- **Exceptions to Competitive Solicitations:** There are also several exceptions to the requirements for a formal bid or quotation. For example, there are those exceptions set forth in School Board Rule 6Gx13-3C-1.10. An additional set of exceptions is the "General Authorization Purchase (GAP)" exceptions set forth in School Board Rule 6Gx13-3C-1.15. Among those GAP exceptions are those items that "do not lend themselves to normal competitive purchasing procedures" and those items

are stated in section II of that rule. Id. Among those listed items are "Media Advertising (newspaper, radio, television, etc.)."

- In response to your question concerning which department reviews requests made by School Board Members or their staff for purchases of such items as "newsletters, flyers, and related postage, etc." the answer is that procurement staff reviews the requests and approves the purchase orders for such items.

In response to your question concerning the ambiguity of GAP language as it applies to the GAP "Media Advertising (newspaper, radio, television, etc.)" exception, it is reasonable interpretation for a requestor for the purchase of services related to the creation, printing and distribution of flyers and related services to interpret such services to be included in that GAP "Media Advertising" category. The Media Advertising category definition is "not clear" in that respect. I previously discussed this subject with two attorneys in our office, including the one who is responsible for working with the Procurement Department, and they agree that a requestor could reasonably conclude that Board member items such as "newsletters, flyers, and related postage, etc." created for the purposes of outreach to the community could be considered "Media Advertisement" and that this language could be clarified through rule revision and/or training.

- Our office has also previously opined concerning the issue of whether a Board member can send mailers countywide (see June 2009 opinion of Luis M. Garcia, Esq., below attached).

From: Garcia, Luis M.

Sent: Friday, June 12, 2009 5:41 PM

To: Jordan, Viviana A.

Cc: Miles, Deborah L.

Subject: Memo-Phone Inquiry

Viviana,

I finalized the memo requested by Mr. Diaz de la Portilla. Unfortunately I was unable to scan the original and get a PDF version ready. Nonetheless, the body of the memo is as follows:

Pursuant to your request, this memorandum will serve to memorialize that your office contacted me on May 4, 2009 for the purpose of ascertaining whether there was any legal prohibition for a Board member to issue a mailer regarding school district and educational related matters. After researching the matter, we determined that there was no such prohibition, and that it was our understanding that such mailers had been issued in the past. I also suggested that your office contact the District's Public Relations office for further information regarding past practice in these matters.

Subsequently, on May 5, you inquired if there was any legal prohibition against a Board member doing the same mailer county-wide. I advised that we were unaware of any legal prohibition against a county-wide mailer.

Should you have any questions or concerns, please do not hesitate to contact me.

Let me know if you need anything else.

Have a good weekend!

Luis

LUIS M. GARCIA, ESQUIRE

Interim School Board Attorney
School Board Attorney's Office
1450 N.E. Second Avenue, Suite 400
Miami, Florida 33132
Telephone: 305-995-1304
Facsimile: 305-995-1412
e-mail: imgarcia2@dadeschools.net

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Miami-Dade County Public Schools

School Board Administration Building • 1450 N.E. 2nd Avenue • Suite 700 • Miami, Florida 33132

Perla Tabares Hantman
Chairman

Telephone: 305.996.1334
Fax: 305.996.2730

May 4, 2011

The Honorable Chairman Joe Martínez
Board of County Commissioners
Stephen P. Clark Center, Suite 220
Miami-Dade County, Florida 33128-1963

**RE: Interlocal Agreement Between The School Board of Miami-Dade
County and Miami-Dade County**

Dear Chairman Martínez:

I have reviewed your May 2, 2011 letter regarding the School Board's April 13, 2011 Agenda Item H-25 ("Request that the School Board Direct the School Board Attorney to Renegotiate the Interlocal Agreement Between The School Board and Miami-Dade County for the Provision of Inspector General Services in Order to Ensure Fair Compensation for Services Rendered"). As a fellow elected official, I appreciate your busy and demanding schedule. As such, I wish to thank you for your prompt response.

The purpose of the April 13th agenda item was a request to renegotiate the specific term of the Interlocal that permits the School Board to be invoiced for salary increases that it was not aware of. The purpose was not for the County to subsidize these services.

As to whether the School Board desires to continue under the current terms of the Interlocal or to seek a renegotiation (which you stated may not be feasible), I am unable to respond at this time. The School Board will hold its Committee meetings on May 5, 2011, and its regular meeting on May 11, 2011. These issues will be addressed. After receiving the Board's input, I will then respond to your inquiry.

Sincerely,


Perla Tabares Hantman, Chairman
Miami-Dade County School Board

PTH:bav
L-100



www.dadeschools.net

Dr. Lawrence S. Feldman, Vice Chair

SUBJECT: DIRECT THE SUPERINTENDENT, SCHOOL BOARD ATTORNEY AND CHIEF AUDITOR TO REVIEW CURRENT POLICIES CONCERNING PROCEDURES FOR THE PAYMENT OF INVOICES, PURCHASE ORDERS AND CONTRACTS FOR NON INSTRUCTIONAL PROFESSIONAL SERVICES AND BRING FORTH RECOMMENDATIONS, AS NECESSARY, THAT WOULD REQUIRE THAT ALL INVOICES SUBMITTED TO THE SCHOOL BOARD FOR PAYMENT BE ITEMIZED AND/OR SUFFICIENTLY DETAILED TO ADEQUATELY DESCRIBE THE SERVICE(S) RENDERED

COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL RELATIONS

LINK TO STRATEGIC FRAMEWORK: FINANCIAL STABILITY AND EFFICIENCY

School Board Policy requires that the payment of invoices, purchase orders and contracts for professional services be made according to state statutes, school district procedures, and within an approved budget.

Best practices typically require that invoices submitted to the School Board for payment should include information that properly describes the services that have been rendered pursuant to an authorized contract or purchase order. Accordingly, a vendor's request for payment (invoice or documented and approved timesheets) should contain sufficient information so that an objective person can determine what services were provided and that such purchases were an appropriate expenditure of School Board funds. This information is also needed by the authorizing employee to properly enter and approve the transaction in the system. Deleted

At a minimum, all invoices submitted for payment must be in an established format, contain the following information and adhere to the criteria set forth below:

- Include the billing entity's name, address and phone number and billed to the School Board of Miami-Dade County, Florida;
- Provide invoice number, charge period, number of hours/days charged, rate per hour/day (as established by contract), the dates the services were rendered and identify the non-instructional professional that is charging for and performing the services and to whom the services were rendered;

Revised²
H-15

- State total value of the time charged, and the total balance of the invoice (time charges plus expenses);
- Describe in detail the service(s) purchased. The services should be described in reasonable and sufficient detail so that an objective person reviewing the invoice can determine what professional provided the service and what professional service was provided, what task was performed, what meetings were attended, who attended such meetings, what value was provided to the School Board and whether such professional services were appropriate under the terms of an agreement and School Board Policy. Such detail and itemization should also be sufficient to allow contracts for professional services to be audited if necessary;
- Describe in detail the reasons for the purchase of the services, the bid item number if appropriate, the location, department, or persons receiving services;
- Itemize the expenses chargeable to the School Board; and
- Submit signed, original invoices for payment.

All School Board contracts and bids shall include an invoice for the purchase of goods or service meeting these criteria.

} Deleted

ACTION PROPOSED BY

DR. LAWRENCE S. FELDMAN:

Direct the Superintendent, School Board Attorney and Chief Auditor to review current policies concerning procedures for payment of invoices, purchase orders, and contracts for non instructional professional services and bring forth recommendations, as necessary, that would require all invoices submitted to the appropriate administrators and to the School Board of Miami-Dade County for payment be itemized and/or sufficiently detailed to adequately describe the service(s) rendered.

Office of the School Board Members April 12, 2011

Board Meeting of April 13, 2011

Mr. Carlos L. Curbelo, Board Member

SUBJECT: REQUEST THAT THE SCHOOL BOARD DIRECT THE SCHOOL BOARD ATTORNEY TO RENEGOTIATE THE INTERLOCAL AGREEMENT BETWEEN THE SCHOOL BOARD AND MIAMI-DADE COUNTY FOR THE PROVISION OF INSPECTOR GENERAL SERVICES IN ORDER TO ENSURE FAIR COMPENSATION FOR SERVICES RENDERED

COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL RELATIONS

LINK TO STRATEGIC

FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY

In December of 2007, The School Board of Miami-Dade County and Miami-Dade County entered into an Interlocal Agreement ("ILA"), which designated Miami-Dade County's Office of the Inspector General (OIG) to serve as the Inspector General for the school district. Under the ILA, the OIG is charged with the responsibility to independently audit and investigate school district practices and operations to, among other things, prevent and detect fraud, waste and mismanagement.

Under the ILA, the School Board is required to reimburse Miami-Dade County for any and all costs and expenses incurred by the OIG and its employees in rendering services to the school district in furtherance of its responsibility under the ILA. These costs and expenses routinely include individual OIG employees' direct hourly salary as established by Miami-Dade County, along with fringe and other payroll benefits, and applicable County OIG office overhead.

Consequently, as a result of pay raises and increases to fringe benefits that were received by Miami-Dade County OIG employees and that were approved by Miami-Dade County, the hourly rates for OIG employees deployed to render services to the school district under the ILA have increased. These increases in salary are inconsistent with the current District administration's human resource compensation and procurement policies. Due to the fiscal crisis prevalent throughout the nation which has adversely impacted our school district, hiring and salary freezes have been implemented by Miami Dade County Public Schools, and our employees have faced salary reductions while the specter of possible layoffs linger. In addition, the District has implemented a practice of strongly encouraging and requesting that vendors doing business with M-DCPS reduce charges and rates for services rendered to the school district.

Accordingly, vendors doing business with M-DCPS should be considered and treated under the same policies and standards. Given the current financial climate, this requires adherence to the guiding principle of shared sacrifice. Raises in salary and benefits awarded to OIG employees that are paid through M-DCPS are inconsistent with this standard.

This item is presented for the Board's consideration to request that the School Board Attorney begin negotiations with the Miami-Dade County to modify the ILA in order to reduce costs and expenses for services provided under the ILA, as discussed herein. The specific provisions that should be renegotiated are contained in section 7(c) of the ILA.

This item does not appear in the published Agenda. There exists good cause to vary from the published agenda, since OIG services to the District are ongoing and the associated invoices for these services are pending and therefore the School Board should commence the negotiation process to amend the ILA as soon as possible for the purpose of obtaining a reduction in the costs of services.

ACTION PROPOSED BY

MR. CARLOS L. CURBELO: That The School Board of Miami-Dade County, Florida, direct the School Board Attorney to immediately take action to renegotiate the terms contained in section 7(c) entitled "Compensation for County OIG services," of the Interlocal Agreement between the School Board and Miami-Dade County for the provision of Inspector General Services, in order to establish a compensation schedule that is consistent with the general policies and standards currently in place at Miami-Dade County Public Schools and report back to the Board the progress of such negotiations at the next board meeting.

COMPILATION OF IG EXPENDITURES

JANUARY 1, 2008 TO MARCH 28, 2011

Fiscal Year	Payroll Budget	Expenditures paid by M-DCPS to employees			Reimbursement to Miami-Dade County IG	Total M-DCPS payroll expenditures and Miami-Dade reimbursement	Other Expenditures	Total Expenditures	Total Budget
		Full Time	Hourly	Total M-DCPS Employees expenditures	Paid to Miami-Dade County				
2007/08	23,210	0	14,552	14,552	146,235	160,787	2,598	163,385	236,000
2008/09	676,121	79,821	81,264	161,085	590,110	751,195	52,968	804,163	1,581,269
2009/10	675,506	176,841	132,011	308,852	375,744	684,596	30,106	714,702	1,308,292
2010/11*	675,680	129,659	100,677	230,336	135,193	365,529	6,885	372,414	1,174,930
	2,050,517	386,321	328,504	714,825	1,247,282	1,962,107	92,557	2,054,664	4,300,491
		19.69%	16.74%	36.43%	63.57%	100.00%			

* As of March 28, 2011 (Reimbursement to Miami-Dade County IG as of December 31, 2010).



Memorandum



Miami-Dade County Office of the Inspector General
A State of Florida Commission on Law Enforcement Accredited Agency
19 West Flagler Street ♦ Suite 220 ♦ Miami, Florida 33130
Phone: (305) 375-1946 ♦ Fax: (305) 579-2656
Visit our website at: www.miamidadeig.org

To: Jose Montes de Oca, Chief Auditor
Office of Mgmt. & Compliance Audits
Miami-Dade County Public Schools (MDCPS)

From: Christopher Mazzella, Inspector General

Date: February 25, 2011

Subject: Reimbursement for OIG Services

2011 FEB 28 PM 11:23
MANAGEMENT AUDIT
COMPLIANCE AUDIT

We are submitting the attached invoice for Miami-Dade County Inspector General services provided to MDCPS for reimbursement of expenditures incurred for the period of October to December 2010 (FY 10 - 11 2nd Quarter). Our MDCPS vendor number is 0002858256 and our Tax ID number is 59-6000573. Additionally, please find included our updated salary tables, which reflect OIG personnel billable salary rates as of October 1, 2010 and November 16, 2010. Due to the adjustment of Flex Pay and Premium Pay, which became effective November 16, 2010, two salary rates were used. Additionally, any other pay adjustments (i.e., annual merit raises) that occurred between October 1-November 15, 2010 are reflected in the subsequent table. IG professional services total \$67,656.74.

In accordance with established procedures, we ask that you first review the pay request and accompanying support and sign in the space provided in the invoice. Thereafter, this payment requisition package should be forwarded to Chief Budget Officer Judith Marte and Dr. Richard Hinds for further approval and processing. Once we receive a conformed copy of the invoice with all the required signatures, we will process the invoice for payment, which will be paid from the MDCPS Inspector General's Account 5390 Other Purchased Services.

Should you have any questions, please feel free to call Assistant Inspector General Patra Liu at (305) 375-1946. Thank you for your prompt attention to this matter.

Attachments

cc: Alberto Carvalho, Superintendent, MDCPS (copy of invoice only w/o back-up)
Perla Tabares Hanuman, Chair, MDCSB (copy of invoice only w/o back-up)
Joseph A. Gomez, Asst. Superintendent, Procurement Management Services
(copy of invoice only w/o back-up)

MANAGEMENT AND COMPLIANCE SERVICES
INSPECTOR GENERAL SERVICES INVOICE

2011 MAR - 1 AM 10: 29

2011 FEB 28 AM 11: 20

Invoice Date: February 16, 2011
 Inspector General Invoice #: MDCPS FY10-11-2
 Time Period: October - December 2010

SERVICE FOR:
 Office of the Inspector General
 Miami-Dade County
 19 West Flagler Street, Suite 220
 Miami, Florida 33130

BILL TO:
 Jose Montes de Oca, Chief Auditor
 Office of Mgmt. & Compliance Audits
 Miami-Dade County Public Schools
 1450 N. E. Second Avenue
 Miami, FL 33132

FINANCIAL SERVICES

DATE	DESCRIPTION OF SERVICES	HOURS	RATE	AMOUNT
October 1 - November 15, 2010	Services Provided By			
	Christopher Mazzella	14.0	152.26	2,131.64
	Alan Solowitz	24.0	113.25	2,718.00
	Patra Liu	8.5	100.94	857.99
	Dylan Hughes	232.0	72.84	16,898.88
	Carol Jordan	34.5	78.16	2,696.52
	Marie Perikles	20.5	71.56	1,466.98
	Kimberly Robinson	27.0	61.44	1,658.88
	Diego Rodriguez	2.0	37.16	74.32
John Scott	69.5	74.85	5,202.09	
November 16 - December 31, 2010	Christopher Mazzella	18.0	152.78	2,750.04
	Alan Solowitz	11.0	118.82	1,307.02
	Patra Liu	10.5	101.47	1,065.46
	Dylan Hughes	216.0	73.37	15,847.92
	Felix Jimenez	5.5	76.76	422.18
	Carol Jordan	54.5	82.15	4,477.18
	Marie Perikles	43.5	72.09	3,135.92
	Kimberly Robinson	5.0	61.97	309.85
	John Scott	61.5	75.38	4,635.87
TOTAL DUE \$				67,656.74

We hereby certify that the charges included herein are proper charges and the correct summation has been taken from our records. See the attached summary billing.

Office of the Inspector General	
Prepared By <i>[Signature]</i> 2/16/11	Approved By <i>[Signature]</i> 3/1/11
OIG Administrative Assistant	
Reviewed By <i>[Signature]</i> 2/17/11	Approved By <i>[Signature]</i> 3/1/11
OIG Auditor	
Approved By <i>[Signature]</i> 2/23/11	Approved By
Inspector General	

TIME UTILIZATION CALCULATION LOG

Employee	Christopher Mazzella			Month	Year
				October	2010
Date	Total Hours	Hourly Salary	Total Cost	Description	
Tuesday, October 05, 2010	2	✓ 152.26	\$ 304.52	MDCPS	
Tuesday, October 12, 2010	1	152.26	\$ 152.26	MDCPS	
Thursday, October 21, 2010	1	152.26	\$ 152.26	MDCPS	
Tuesday, October 26, 2010	1	152.26	\$ 152.26	MDCPS	
Wednesday, October 27, 2010	1	152.26	\$ 152.26	MDCPS	
Thursday, October 28, 2010	2	152.26	\$ 304.52	MDCPS	

HOURS 8
TOTAL
\$ 1,218.08

TIME UTILIZATION CALCULATION LOG

Employee:	Christopher Mazzella			Month:	Year:
				November	2010
Date	Total Hours	Hourly Salary	Total Cost	Description	
Tuesday, November 02, 2010	1	✓ 152.26	\$ 152.26	MDCPS	
Wednesday, November 03, 2010	1	152.26	\$ 152.26	MDCPS	
Tuesday, November 09, 2010	1	152.26	\$ 152.26	MDCPS	
Monday, November 15, 2010	3	152.26	\$ 456.78	MDCPS	

HOURS ✓ 6
 TOTAL \$ ✓ 913.56
^

TIME UTILIZATION CALCULATION LOG

Employee	Christopher Mazzella			Month	Year
				December	2010
Date	Total Hours	Hourly Salary	Total Cost	Description	
Tuesday, December 07, 2010	1	✓152.78	\$ 152.78	MDCPS	
Wednesday, December 08, 2010	1	✓152.78	\$ 152.78	MDCPS	
Thursday, December 09, 2010	2	✓152.78	\$ 305.56	MDCPS	
Monday, December 13, 2010	2	✓152.78	\$ 305.56	MDCPS	
Tuesday, December 14, 2010	2	✓152.78	\$ 305.56	MDCPS	
Wednesday, December 15, 2010	1	✓152.78	\$ 152.78	MDCPS	
Thursday, December 16, 2010	2	✓152.78	\$ 305.56	MDCPS	

HOURS ✓11 TOTAL \$ ✓1,680.58

^

TIME UTILIZATION CALCULATION LOG

Employee:	Alan Solowitz			Month	Year
				October	2010
Date	Total Hours	Hourly Salary	Total Cost	Description	
Tuesday, October 05, 2010	6	✓113.25	\$ ✓,679.50	MDCPS	
Monday, October 18, 2010	5	✓113.25	\$ ✓,566.25	MDCPS	
Thursday, October 21, 2010	3	✓113.25	\$ ✓,339.75	MDCPS	
Tuesday, October 26, 2010	3	✓113.25	\$ ✓,339.75	MDCPS	

HOURS

✓17

TOTAL

\$ ✓1,925.25

EMPLOYEES REMUNERABLE SALARY BASED ON 2003 HRS PER YEAR INCORPORATION FOR FY 2010-2011

AS of 3/1/2011

10/7/76

6.50%

7.50%

1:00

Table with columns: EMPLOYEE, TITLE, GRADE CODE, SALARY, INCREASE, DEDUCTIONS, FLEX, TOTAL PRINCE, and HOURLY RATE. Includes rows for Mitchell, Muzaffar, Cain, etc.

X rental vehicle in lieu of car allowance

(1) Increase \$5,554

(2) Increase \$5,190

Total determined hours for County employees for year - 2010

Salary brackets plus adjustments (\$5,280) for non-occure... class (IG employees (aka Probationary))

Handwritten signatures and dates: 3/1/11, 3/1/11

HS for C. Kazzella, Alan Solynick and Paul Luccare calculated at a 14.28% rate

Flex Benefits and Premium Pay restored

ORIGINAL

Miami-Dade County Public Schools
Office of the Inspector General

Appendix 1B

Response to draft report received from Mr. Michael Band

(2-page response with 6 pages of attachments)

Final Report
IG09-47SB

MICHAEL R. BAND, P.A.
1200 ALFRED I. DUPONT BUILDING
169 EAST FLAGLER STREET
MIAMI, FLORIDA 33131

MICHAEL R. BAND

TELEPHONE: 305 372 8500
FACSIMILE: 305 372 8504
MICHAEL@BANDLAWFIRM.COM

May 24, 2011

Christopher R. Mazzella
Inspector General
Office of the Inspector General
19 West Flagler Street, Suite 220
Miami, Florida 33130

Re: Draft Report

Dear Mr. Mazzella:

I write in response to our review of the draft Office of the Inspector General (OIG) report written in regard to allegations of procurement violations committed by the office of District 5 school board member Renier Diaz de la Portilla.

It has been over one year since the OIG received a complaint regarding the survey produced by the school board member's office and some eleven months since my first letter to your office which outlined our position. In that missive and in subsequent letters I expressed the willingness of Mr. Diaz de la Portilla to come forward and meet with your investigators to provide an explanation and assist in an expedited review of the matter; a request which was repeatedly ignored. I have enclosed the three letters to your office which summarized our position and request that they be made a part of your final report. Upon reading your draft I must express some surprise that the original complaint is not included nor is the complainant identified. I can only surmise that the allegation was a wrongful use of public money for a political purpose and the complaint was made by a political opponent (Julio Robaina). I make this claim based upon statements made by investigators. That your office was placed in the position of "carrying the water" to enhance the position of another politician brings your office into disrepute. If this observation is wrong please let me know. Essentially, the allegation is that Mr. Diaz de la Portilla's office produced a survey for some political purpose.

Any objective view of the survey suggests a neutral request for constituent input concerning the direction of the Miami Dade County School Board. Indeed in only one of the questions posed is the member's name even mentioned (a query regarding the responder's satisfaction with the member's job performance). In their review of this matter the State Attorney's Office failed to find any corrupt, i.e., political, motivation for the survey. (Interestingly the State Attorney's office got the issue of member's brother's entry into the state senate race wrong; he entered the race months after the survey was mailed not before.) Your office likewise seems to find no issue with the survey itself. However, despite adducing no evidence which supported the

Christopher Mazzella

May 24, 2011

Page 2

underpinnings of the original allegation your office continued the investigation with a new theme.

That new theme was that school board procurement procedures were not followed. Having failed to find any substance in the original investigation the OIG after "barking up the wrong tree" sought to justify its expenditure of time and money by launching into a discussion of whether the proper procurement procedures were followed. The OIG ignores the ultimate question of can a school board member expend board funds to survey his/her constituency but treads into the minutia of procurement. The member acknowledges that some procurement procedures may not have been followed. The OIG instead of recognizing an oversight (as the State Attorney has done) delves into the arena of speculation to cast a sinister take on what amounts to an honest misunderstanding. Simply put: can a member expend public funds to solicit the input of his constituency? Yes. In this situation did the member expend funds solely for a political purpose? No. Had the OIG's office acted with dispatch the member would have shared his thoughts with investigators last summer, however, by delaying this issue and allowing the winds of political opportunism to sail this inquiry the OIG left the member little choice but to refuse to participate in the investigation.

Thank you for the opportunity to review your draft report and to allow us the opportunity to respond.

Sincerely,



Michael R. Band

Enclosures

ADORNO & YOSS

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WWW.ADORNO.COM

MICHAEL R. BAND

DIRECT LINE: (305) 460-1042
DIRECT FAX: (305) 858-4777
EMAIL: MBAND@ADORNO.COM

June 17, 2009

Via Facsimile (305) 523-0613

Investigator Andrew Moya
Office of the Inspector General
1500 Biscayne Blvd.
Miami, Florida 33123

Re: Renier Diaz de la Portilla, et al.

Dear Investigator Moya:

Initially, allow me to thank you for your time and consideration.

As I stated in our telephone conversation earlier today, I represent Renier Diaz de la Portilla, Mary Carabeo, and Viviana Jordan as it relates to your investigation of the mailer sent out by his school board office.

I must admit that I am somewhat chagrined at the change in attitude since I made my entry into this matter. My understanding was that there was some urgency in speaking to Mr. Diaz de la Portilla and his staff as evidenced by the frequency of your visits to the school board and your (and investigator Kennedy's) insistence that you converse with him and his staff. Now, apparently, with the appearance of counsel, the urgency of the matter seems to have diminished. Let me express my clients' view that this matter needs to be put to rest sooner rather than later.

The Inspector General's website proclaims, . . . "The County Commissioners took great lengths to insure that the Inspector General can carry out these goals while autonomous, independent, and *insulated from political influences.*" (emphasis added). In this matter, we have an unsubstantiated claim by Julio Robaina, a candidate for the state Senate, directed toward Renier Diaz de la Portilla, alleging an improper execution of his authority, i.e., requesting a response to a survey by members of the public regarding school board issues. The mailout - so Mr. Robaina's thinking goes - was an effort to assist his brother's campaign for the same seat in an election some fifteen months away. A cursory review of the questions contained within the survey fails to demonstrate any political bias. Further, you are aware that the school board attorney has approved of the survey and Mr. Diaz de la Portilla has in the past sent out such instruments to gauge the mood of the public. The Office of the Inspector General should not become a vehicle for

Investigator Andrew Moya
June 17, 2009
Page 2

petty political grudges. By permitting the office to sink into the political morass, its reputation will be devalued and the good it seeks to accomplish will be tarnished.

As stated earlier, we stand ready to meet with you to address the issues raised head on. As we have not received a copy of the allegations made against my clients, please forward to me the Complaint made by Mr. Robaina.

I look forward to meeting with you and assisting in the resolution of this matter.

I remain,

Sincerely,



Michael R. Band

MXB/mr

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July 16, 2009

Via Facsimile (305) 579-2656

Christopher R. Mazzella
Inspector General
Office of the Inspector General
19 West Flagler Street, Suite 220
Miami, Florida 33130

Re: Renier Diaz de la Portilla

Dear Mr. Mazzella:

I write in regard to my client, Miami-Dade School Board member Renier Diaz de la Portilla.

As you are aware, Mr. Diaz de la Portilla is the subject of a complaint lodged by Representative Julio Robaina alleging an improper use of his office. The allegation stems from the issuance of a questionnaire by Mr. Diaz de la Portilla's office to members of the public to gain insight as to the public's sentiments concerning school board policy.

A simple review of the questionnaire reflects a straight forward request of the public to respond to questions which would aid the school board in making decisions. There is nothing within the parameters of the questionnaire which is overtly "political" but it is an instrument designed to get the community's view on matters which will come before the school board.

I would also offer several observations: (1) the use of questionnaires, newsletters, etc. by legislators (state and federal), commissioners, and other policy makers is a time-tested tool used by leaders to advise their constituency of their positions and to solicit their constituents' input on matters on which they will pass judgment; (2) the school board attorney prior to the release of the questionnaire in question approved the expenditure of funds for this purpose; (3) the school board's purchasing department reviewed the matter and authorized the payment; and (4) why does the Inspector General's office permit itself to be used as a tool to advantage one side in a politically motivated accusation based upon baseless allegations, when your website extols the non-political nature of your office?

Christopher Mazzella
Inspector General
July 16, 2009
Page 2

On June 17, 2009, I wrote to Investigator Moya of your office (see attached) and subsequent to that letter, I spoke with Mr. Hughes of your office. In both the letter and in my conversation with Mr. Hughes, I requested a copy of the complaint against Mr. Diaz de la Portilla and expressed a willingness to cooperate in the investigation. To date, I have not received a response to my request and it was only at my urging that an investigator came to my office to retrieve copies of e-mails and other documents. Further, an investigation which should remain confidential has been leaked by your office and a vendor who has provided a legitimate service is not being paid.

Again, as I indicated in my previous correspondence, I and Mr. Diaz de la Portilla stand ready to meet with you and address the issues raised.

I remain,

Sincerely,



Michael R. Band

MXB/mr

ADORNO & YOSS

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August 10, 2009

Via Facsimile (305) 579-2656

Christopher R. Mazzella
Inspector General
Office of the Inspector General
19 West Flagler Street, Suite 220
Miami, Florida 33130

Re: Renier Diaz de la Portilla

Dear Mr. Mazzella:

I write again in regard to my client, Miami-Dade School Board member, Renier Diaz de la Portilla.

More than three weeks have transpired since I last wrote you regarding the status of the investigation. My initial correspondence with Investigator Moya was one month prior to that epistle. Subsequent to my letter to Investigator Moya, we voluntarily gathered documents – without causing the Inspector General to resort to subpoena – and supplied them to your office. Mr. Diaz de la Portilla has indicated that he will meet with your office to discuss this matter. A public official subject to an investigation – particularly one politically motivated – deserves an expeditious resolution; not so much for his benefit, but to ensure his constituency and the public at large that their trust in their public official is not misplaced.

Once again, allow me to illuminate the obvious in this matter:

1. a tool (the survey) to engage the public was used by a public official;
2. the expenditure of public funds to bear the costs of the tool was approved by the school board's attorney;
3. an allegation by a political opponent regarding the survey serves as the basis for the investigation;
4. simple review of the survey reveals no overt political motive for its use;
5. expenditures of a similar nature are routine and never have been questioned.

Christopher Mazzella
Inspector General
August 10, 2009
Page 2

Again, we request that this investigation be put to rest sooner rather than later. If your office is in need of further information, please do not hesitate to contact me.

With regards, I remain,

Sincerely,



Michael R. Band

MXB/mr