



# Memorandum

19 West Flagler Street ♦ Suite 220 ♦ Miami, Florida 33130  
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To: The Honorable Chief Judge Joseph P. Farina  
Eleventh Judicial Circuit of Florida  
  
Mr. Ruben Carrerou, Court Administrator  
Administrative Office of the Courts, Eleventh Judicial Circuit of Florida

From: Christopher Mazzella, Inspector General

Date: July 14, 2008

Subject: OIG Final Report Re: *Contract Security Officers Assigned to Courthouse Center & the Family Court Self Help Program*, Ref. IG08-03

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Attached please find the Office of the Inspector General's (OIG) final report on the above-captioned matter. This investigation was prompted by information relayed to the OIG from Chief Judge Joseph P. Farina, Eleventh Judicial Circuit, and his staff, about possible illegal compensation being paid to court employees and/or contract security officers for their completing and notarizing Family Court documents. Our investigation did not reveal any criminal wrongdoing. However, the OIG's findings do cast light on highly inappropriate behavior by contract security officers; namely, the solicitation of private/personal business from members of the public while on duty at county facilities—in this case, Courthouse Center. By way of written comment to the draft report, the County's General Services Department (GSA) who manages the security guard contracts concurs with the inappropriateness of such conduct. GSA responds that it:

will take immediate action to notify all security vendors that security personnel assigned to work on the County's contract are strictly prohibited from conducting any form of personal business. Furthermore, any such action shall amount to a contract violation which may include, but not be limited to liquidated damages, removal of the involved security officer from the contract, vendor loss of post and/or any further action deemed necessary by the Chief of Security.

The OIG appreciates the GSA's prospective action. The OIG's report also lists six recommendations for the Administrative Office of the Courts to improve the operations of the Self Help Program. The OIG identified these weaknesses during our investigation. We believe strengthening these operational areas will curtail the need for pro se litigants to seek unsanctioned assistance—for what should be a Self Help Program—in completing court forms. In its response to the OIG, the Eleventh Judicial

Circuit of Florida, acting by and through the AOC, positively addresses each of the six recommendations. The OIG is encouraged by the programmatic changes, staffing and other human resources related changes, and the increased training initiatives being implemented by the AOC.

In light of the responses received from both the AOC and GSA, the OIG considers this matter resolved-closed, and no further follow-up reports from the aforementioned entities are required.

cc: The Honorable Carlos Alvarez, Mayor, Miami-Dade County  
Mr. George M. Burgess, County Manager, Miami-Dade County  
Ms. Wendi Norris, Director, General Services Administration  
Mr. Fernando Tapia, Vanguard Security, Inc. (under separate cover)  
Clerk of the Board (copy filed)





**Christopher R. Mazzella**  
Inspector General

**Alan Solowitz**  
Deputy Inspector General

**Patra Liu**  
Assistant Inspector General  
Legal Counsel

July 14, 2007

Mr. Fernando Tapia, Vice President of Operations  
Vanguard Security, Inc.  
10145 NW 19<sup>th</sup> Street  
Miami, FL 33172

Re: Contract Security Officers Assigned to Courthouse Center & The  
Family Court Self Help Program, Ref. IG08-03

Dear Mr. Tapia,

Attached please find a copy of the Office of Inspector General's (OIG)  
Final Report regarding the above-mentioned matter.

Sincerely,

Patra Liu  
Assistant Inspector General

PL/td

**MIAMI-DADE OFFICE OF THE INSPECTOR GENERAL  
FINAL REPORT**

***Contract Security Officers Assigned to Courthouse Center & The Family Court Self Help Program***

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**SYNOPSIS**

On January 4, 2008, the Miami-Dade County Office of the Inspector General (OIG) received information from Chief Judge Joseph P. Farina, Eleventh Judicial Circuit of Florida, and his staff, alleging misconduct by court employees. The information alleged that several court employees assigned to the Self Help Program, and at least two contract security officers assigned to the courthouse, may have received illegal compensation for assisting in completing and notarizing Family Court documents. These documents were completed and notarized on behalf of Pro Se litigants (individuals not represented by a lawyer and who appear for themselves in court). The OIG immediately initiated an investigation into these allegations.

The investigation did not reveal any evidence of wrongdoing by Self Help Program employees; however, the investigation did reveal that two contract security officers, who were assigned to the Self Help Program, were completing and/or notarizing Family Court documents on behalf of the Pro Se litigants for a fee. The assistance provided to the Pro Se litigants by the two (2) court security officers occurred after business hours and away from the location of the Self Help Program. Additionally, the investigation revealed that one of the two court security officers established a business at his residence, where he met with petitioners by appointment and assisted them in completing and notarizing Family Court documents for compensation.

**BACKGROUND**

***The Self Help Program***

The Self Help Program (Self Help) was established by a Local Rule for the Family Division of the Eleventh Judicial Circuit, which was approved by the Supreme Court of Florida on March 11, 1997, and entitled *Establishment of Procedures Requiring Pro Se Parties in the Family Division of the Circuit Courts to Acquire and Utilize the 11<sup>th</sup> Judicial Circuit Forms Packet and to Coordinate Their Pleadings and Papers with Family Court Self Help Program at the Time of Filing the Case and Prior to Obtaining a Final Hearing Date*. The Local Rule establishes, in part:

Pro Se parties in dissolution of marriage, name change, paternity, custody and post-judgment modification cases in the Family Division of the Circuit Court shall observe the following procedures, unless waived by the Administrative or Associate Administrative Judge, Family Division, for good cause shown:

1. Pro Se parties shall acquire and utilize the Eleventh Judicial Circuit forms packet or forms substantially in compliance therewith...



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2. Pro Se parties shall register with and receive information and instructions on relevant Family Court rules and procedures...from the Circuit's Family Court Self Help Program
3. At the time of filing their pleadings and papers with the Court, Pro Se parties shall have those pleadings and papers reviewed as to form by the Family Court Self Help Program
4. All Pro Se parties shall obtain a final hearing date from the Family Court Self Help Program.

Self Help is housed under the Administrative Office of the Courts (AOC) for the Eleventh Judicial Circuit. Self Help operates from the 24<sup>th</sup> Floor of the Lawson E. Thomas Courthouse Center (Courthouse Center), located at 175 NW First Avenue, Miami, Florida.

***Self Help Program Staff***

During the timeframe of the alleged wrongdoing, Self Help was staffed with fourteen (14) full-time employees, operating under the direct supervision of a Program Director (Judicial Support Administrator 3) and an Office Manager (JA Legal Secretary 2). The remaining program staff consisted of:

- JA Legal Secretary 2 (six positions)
- JA Administrative Assistant 2 (two positions)
- Judicial Support Specialist 2 (one position)
- Judicial Support Specialist 1 (two positions)
- Law Library Assistant 3 (one position)

Self Help staff is primarily responsible for selling packets of forms and instructions, which includes but is not limited to Dissolution of Marriage, Paternity, and Motions. The cost of each packet varies from \$20 to \$50, and Pro Se litigants can purchase them from Self Help or download them from the internet for free. Self Help staff responsibilities also consist of reviewing documents for completeness and correctness prior to filing, arranging mandatory appointments for document review, and notarizing documents being filed in the Family Court. Self Help staff cannot give legal advice, complete documents or advise the litigants what to write on the documents.

According to statistics provided by the Self Help Program, in 2006, it sold 17,022 Self Help Packets and serviced 45,185 Pro Se litigants. In 2007, it sold 17,706 Self Help Packets and serviced 48,120 Pro Se litigants.



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***The Security and Screening Contract***

The Miami-Dade County General Services Administration (GSA), Facilities and Utilities Management Division, manages and provides 24-hour security to the Lawson E. Thomas Courthouse Center. According to the Courthouse Center building manager, Self Help is assigned rotating security coverage during its business hours (8:30 a.m. to 4:00 p.m.). The Courthouse Center building manager stated that the duties of all court security officers (CSOs) include patrolling assigned floors, monitoring activity and completing daily patrol logs.

In January 2005, Miami-Dade County issued an Invitation to Bid for Emergency, Security Guard Services – Contract No.: EM7797-2/07-OTR. Under Section 3.4 – *Scope of Work*, the contract states the specific purpose and intent of these services:

It is the intent of Miami-Dade County to protect its personnel and/or property by means of well-trained, alert, interested, and concerned contract personnel. The Contractor must impress upon these Contractor personnel that their primary duty and responsibility is to safeguard Miami-Dade County employees, the general public and County property.

The contract goes further to identify violations for failure to perform under Section 3.30(B) – *Contract Personnel Violations* and 3.30(C) – *Administrative Violations*, which includes, but is not limited to:

- Sleeping on duty
- Inappropriate behavior
- Not signing in or out in logbook
- Abandoning post

The list is not exhaustive and leaves much room for interpreting what would qualify as “inappropriate behavior.” The list, unfortunately however, does not specifically address guards conducting personal/private business while working at their assigned posts.

**OIG INVESTIGATION**

In January 2008, the Self Help Program Director forwarded information to the OIG, that she in turn received from Self Help staff, alleging that at least two unnamed Self Help employees were involved with assigned CSOs in taking money from Pro Se litigants for assistance with completing and notarizing Family Court documents. Further, a CSO assigned to Self Help supposedly told a staff member that he had gotten his notary commission for the specific purpose of charging Pro Se litigants \$150 to fill

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out their paperwork and guide them through the Self Help process. The CSO was allegedly meeting with the Pro Se litigants at his residence or in the back of the Lawson E. Thomas Courthouse Center, located at 175 NW First Avenue, Miami, Florida, before business hours.

OIG Special Agents spoke with the Courthouse Center building manager and learned that there were four (4) CSOs assigned to Self Help daily. These CSOs were employed by Vanguard Security, a Miami-Dade County approved security vendor. These four (4) CSOs would cover the program on a rotating schedule. The Courthouse Center building manager told the OIG that upon learning that two of the CSOs had obtained their notary commissions, she specifically told them that they could not notarize any documents while on duty at the Courthouse. OIG Special Agents advised the Courthouse Center building manager that two (2) of the CSOs were identified as allegedly being actively involved with assisting Pro Se litigants with interpreting, notarizing and completing Family Court documents at Self Help, during the period from September 2007 through January 2008.

On January 4, 2008, the Courthouse Center building manager suspended the two (2) CSOs from assignment to Self Help in the Courthouse Center. Both CSOs were reassigned to other security posts within facilities managed by GSA. On January 25, 2008, one of the CSOs voluntarily resigned from his position subsequent to his reassignment.

OIG Special Agents interviewed each of the fourteen (14) Self Help employees individually. The interviews revealed that of the four (4) CSOs assigned to Self Help, at least two CSOs engaged in the following:

- Assisted staff with Creole and Spanish translations;
- Arranged appointments with Pro Se litigants to meet with them before and/or after business hours to assist in translating, completing and notarizing Family Court documents; and/or
- Received compensation from Pro Se litigants they assisted with completing Family Court documents and/or received compensation from Pro Se litigants for notarizing Family Court documents.

On January 17, 2008, OIG Special Agents interviewed one of the CSOs that was implicated in this inquiry. The court security officer (hereinafter referred to as CSO 1) provided the following information:

- CSO 1 stated he speaks English and Creole. He stated that during his assignment at Self Help, employees often requested his help with Creole speaking litigants. He then discovered that the Creole speaking litigants



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were in need of assistance with interpreting and notarizing Family Court documents.

- CSO 1 stated that he is a notary and received his commission in August 2006. He stated he arranged to meet with litigants away from the Courthouse Center during non-business hours to notarize their documents. CSO 1 stated he charged a flat fee of \$5 for each document he notarized.
- CSO 1 stated he did not complete any documents for any litigants. He estimated that he may have notarized documents for approximately 40 litigants.
- CSO 1 stated that no one employed by Self Help assisted him or received compensation from him.

On February 25, 2008, OIG Special Agents interviewed the other CSO that was implicated in this inquiry. The court security officer (hereinafter referred to as CSO 2), had voluntarily resigned from his position, prior to this interview, on January 28, 2008. He provided the following information:

- CSO 2 stated that he came upon the idea of assisting Self Help customers while he was assigned to the post. He stated he observed many people in Self Help standing in line purchasing packets, then asking who is going to help them fill out the papers or what to do next. CSO 2 stated the people were often referred to Legal Aid, only to find out that they did not qualify for assistance. When they would return to the courthouse, the people were both frustrated and lost.
- CSO 2 was adamant that he had not done anything illegal or unethical by providing a service to these people. He stated he created business cards on his home computer to promote his new side business of assisting clients with completing and notarizing Family Court documents.
- CSO 2 stated he has been a notary since September 2007. He stated the notary law allows you to charge from \$5 to \$10 for each document. CSO 2 stated he charged for his services based upon his determination of the person's ability to pay. He stated the most he has ever charged for his services is \$150.
- CSO 2 stated he heard many of the clients complain about paying \$50 for the packets. CSO 2 stated he downloaded the forms from his computer and personally completed most of the documents in his own handwriting on behalf of the clients. He stated most of his clients did not speak or write English, they were mostly Spanish speakers.
- CSO 2 stated he did not conduct any business at the courthouse. He was told by the courthouse building manager that he is not to notarize any documents in the building during the hours of 8 a.m. and 5 p.m.



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- CSO 2 stated he conducted business at his house. At the beginning of each meeting he would explain to the client what he could and could not do, and included this information in a disclaimer that he drafted and has each client sign a copy prior to providing any services. CSO 2 stated he never provided any legal advice and voluntarily provided OIG Special Agents with copies of the signed disclaimers and identifications for the individuals he assisted.
- CSO 2 stated he came across some Creole speaking clients that he had a hard time assisting. He shared this information with CSO 1, who then began assisting Creole customers.
- CSO 2 stated no one employed by Self Help assisted him or received compensation from him.

**CONCLUSION**

The OIG investigation did not uncover any information or evidence to substantiate the allegation that Self Help employees had received compensation from Pro Se litigants or assigned court security officers for assisting with completing, notarizing and/or filing Family Court documents.

The GSA Security and Screening Contract states that the primary duty and responsibility of a guard is to protect the safety of the employees, the public and county property. Security services are for security purposes only. While there is no direct language in the contract that states guards cannot conduct their personal/private business while working, the CSOs were specifically told by the building manager that notarizing documents while on duty at the Courthouse was strictly prohibited. While subject to a wide degree of interpretation, the OIG believes that this type of conduct qualifies as "inappropriate behavior," particularly in the context of this setting.

**RECOMMENDATIONS**

The County has a reasonable expectation to believe that the people it employs and/or the employees of the companies with which it contracts to provide services, would not engage in outside business stemming from their interaction with the public through their employment at the courts or any department within the County. It is clear that the actions of the CSOs in this matter are, at the very least, inappropriate. Since management is responsible for contract security services, it is management's duty and responsibility to ensure that contract security officers do not work outside or beyond their company's contractual services. It is the OIG's recommendation that future contracts prohibit CSOs from soliciting personal business while on duty in a county facility. This would prevent the perception that the CSOs were offering county-approved or related services.



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During the course of this investigation, the OIG came across other deficiencies within the Self Help Program. The Administrative Office of the Courts should look at this report as an opportunity to revamp and streamline program operations to improve the efficiency of the services offered to its constituents. This includes, but is not limited to:

1. Establishing formal policies and procedures for the internal operation of the Self Help Program
2. Establishing clearly identified position titles commensurate to job descriptions that can be measured for effectiveness, performance and efficiency
3. Establishing minimum training guidelines
4. Appropriately staffing the program to ensure that staff can assist with Creole speaking clients
5. Developing a workshop designed to assist non English speakers on how to complete the forms
6. Posting signs in the waiting area that clearly identify the methods of payment accepted to purchase Self Help packets

Copies of this report, as a draft, were provided to the AOC, GSA, Vanguard Security Company, and the two CSOs for comment. Responses were received from the AOC and GSA, which are attached as Appendix A and B, respectively. The OIG appreciates the AOC's response, which directly addresses each of the OIG's six recommendations. Likewise, the OIG appreciates and is very supportive of GSA's response, which concurs with the OIG's assessment that the conduct of the security officers described herein was inappropriate. Additionally, GSA states that it will take immediate action to notify all County security vendors that such conduct shall amount to a contract violation, which may result in various damages and penalties.

Noting the responses received, no changes were made from the draft to the final report. Moreover, noting the prospective actions to be taken by the AOC and GSA, the OIG considers this matter resolved-closed, and no further follow-up reports from the aforementioned departments are required.





**ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**  
**ADMINISTRATIVE OFFICE OF THE COURTS**  
**OFFICE OF THE GENERAL COUNSEL**

**JOSEPH P. FARINA**  
CHIEF JUDGE

**RUBEN O. CARREROU**  
COURT ADMINISTRATOR

LAWSON E. THOMAS COURTHOUSE CENTER  
175 N.W. 1st AVENUE • 30th FLOOR  
MIAMI, FLORIDA 33128  
305-349-7165  
FAX: (305-349-7168)

July 11, 2008

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

Re: OIG Draft Report-IG08-03

Dear Mr. Mazzella:

On behalf of the Eleventh Judicial Circuit of Florida, acting by and through the Administrative Office of the Courts ("Court"), stated below is the Court's response to the Office of the Inspector General's Draft Report-IG08-03 regarding the OIG's investigation into allegations that two contract security officers from Vanguard Security, who were assigned to the Self Help Program ("SHP"), were completing and/or notarizing Family Court documents on behalf of Pro Se litigants for a fee.

First and foremost, we would like to take this opportunity to thank you for expeditiously and thoroughly conducting the investigation and to express the Court's appreciation to the OIG for the professionalism and sensitivity of the investigators, Cedric Johnson and Shelby Williams ("Investigators"). Due to the nature of the investigation, particularly as it reflected on the staff of the SHP, were it not for the manner in which the Investigators handled this matter, the integrity of the Court would have been seriously compromised.

While the OIG did not uncover any information or evidence to substantiate the allegation that SHP employees had received compensation from Pro Se litigants or requested that court security officers assist with completing, notarizing and/or filing Family Court documents, the OIG recommended several measures to correct certain deficiencies within the SHP. With regard to the OIG's recommendations, please be advised of the following:

**RECOMMENDATION #1:**

***Establishing formal policies and procedures for the internal operation of the Self Help Program***

Program changes have been implemented within the SHP to improve operations, with specific emphasis on enhancing the efficiency of services provided to SHP clients. Policies and procedures in the SHP historically have been provided by the Program Manager in weekly trainings or as issues arise.



Christopher Mazzella

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During such meetings with the Program Manager, information and hand outs were provided to staff. A sign-in sheet documented who was present and received the training.

Presently, non-legal related information provided in this training is being compiled for the development of an informational handbook. This informational handbook, to be kept and updated by the Office Manager, will be available as a resource for staff.

**RECOMMENDATION #2:**

*Establishing clearly identified position titles commensurate to job descriptions that can be measured for effectiveness, performance and efficiency*

The Court has job descriptions which are posted when seeking candidates for hire. Those postings list the duties and responsibilities of each position. Additionally, a State Courts System Position Description Performance Review is conducted annually with staff, where each staff member has an opportunity to confer with their supervisors regarding those duties and the extent to which those duties were successfully carried out. This Review is documented and submitted to the Administrative Office of the Court's Human Resources Department. Thereafter, Human Resources provides a copy of the Review to each employee for his or her personal records. The most recently scheduled Reviews for SHP employees whose reviews were due, were conducted in March, 2008.

Also, the Program Director (f/k/a Program Manager) and Office Manager, whose offices are located on the same floor as the SHP, are in daily contact and communication with the SHP employees. Suggestions and feedback regarding employee performance or issues raised are provided daily by both the Office Manager and Program Director, as needed.

Additionally, recent changes to the SHP computer program assist the Program Director and Officer Manager in monitoring work-flow. SHP worked together with the Court Information Technology System ("CITeS") to enhance the existing program to better meet current demands. As a result of this, client appointments and employee workloads are readily reviewable by SHP management.

**RECOMMENDATION #3:**

*Establishing minimum training guidelines*

On-going training is occurring to assist employees with the updates to the computer program as well as with other issues. Staff from CITeS frequently provides hands-on training on the program updates. Additionally, staff is required to attend training in August on legislative changes impacting



Christopher Mazzella  
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the forms utilized by self-represented litigants. SHP staff will also be required to attend upcoming training on ethics for court employees. As required by the Court, employees are required to attend in-house training on such topics as Sexual Harassment and Diversity; scheduling of which is ongoing.

**RECOMMENDATION #4:**

*Appropriately staffing the program to ensure that staff can assist with Creole speaking clients*

The Court has reassigned an employee from another division to SHP who is fluent in Creole to assist Creole speaking clients.

**RECOMMENDATION #5:**

*Developing a workshop designed to assist non-English speakers on how to complete the forms*

With the reassignment of the employee who is proficient in Creole, the SHP is currently fully staffed. Accordingly, this is an opportune time for the Court to begin developing a workshop to assist non-English speakers on how to complete the forms.


**RECOMMENDATION #6:**

*Posting signs in the waiting area that clearly identify the methods of payment accepted to purchase Self Help packets*

Signage indicating the methods of payment accepted to purchase SHP packets has been acquired and will be installed during the week of July 14, 2008.

Thank you again for your assistance in this matter. And, should you need additional information, please contact me at (305) 349-7165.

Very truly yours,

  
Linda Kelly Kearson

LKK/W034

- Cc: Honorable Joseph P. Farina, Chief Judge, Eleventh Judicial Circuit of Florida
- Ruben O. Carrerou, Court Administrator, Eleventh Judicial Circuit of Florida
- Sandria Garcia, Chief Deputy Court Administrator, Eleventh Judicial Circuit of Florida
- Paul Indelicato, Director of Operations, Eleventh Judicial Circuit of Florida
- Anders Madsen, Director, Self Help Program, Eleventh Judicial Circuit of Florida
- Lisette Sanabria Dede, Director, Family Operations, Eleventh Judicial Circuit of Florida





**General Services Administration**  
 Office of the Director  
 111 NW 1st Street • Suite 2410  
 Miami, Florida 33128-1979  
 T 305-375-4513 F 305-375-4968

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- Seaport
- Solid Waste Management
- Strategic Business Management
- Team Metro
- Transit
- Urban Revitalization Task Force
- Vizcaya Museum and Gardens
- Water and Sewer

June 10, 2008

Mr. Christopher Mazzella  
 Inspector General  
 19 West Flagler ST, Suite 220  
 Miami, FL 33130

Dear Mr. Mazzella:

I am in receipt of your draft report regarding an investigation into alleged misconduct by court and security contract personnel working in Eleventh Judicial Circuit Court facilities. The grounds for the investigation – as it pertains to GSA, the agency that oversees the County's Security and Screening Services contract – was that a contract security officer had received illegal compensation for completing and notarizing Family Court documents. I appreciate the opportunity to respond to your findings.

The OIG investigation did not uncover any evidence to substantiate the allegation that court and security personnel had received illegal compensation for completing and notarizing Family Court documents. The OIG investigation did note that, while the prohibition of such activity might be implied, there is no specific language in the Security and Screening Contract administered by GSA that prohibits security officers from conducting their personal/private business while working.

Subsequent to the investigatory findings, the OIG has suggested that future security contracts prohibit security officers from soliciting personal business while on duty in a County facility.

Neither the current contract reviewed by the OIG nor the replacement contracts already approved by the Board of County Commissioners and set to commence within the next few months have specific language to prohibit security officers from conducting personal business while on duty. Nevertheless, these contracts all provide a broad array of security officer behaviors that constitute contract violations i.e. failure to follow post orders, inappropriate behavior, improper (non-work related) reading materials, improper (non-work related) audio/video devices, unauthorized visitors on post, personal phone use, and so on. We would contend that the conduct of personal business described above is clearly understood by the security services vendors to constitute such an inappropriate behavior and subject to penalty.

2008 JUN 11 AM 8:42  
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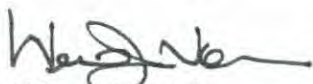
Mr. Christopher Mazzella

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Notwithstanding the above, in order to remove any ambiguity from the current and pending contracts, GSA Security Management will take immediate action to notify all security vendors that security personnel assigned to work on the County's contract are strictly prohibited from conducting any form of personal business. Furthermore, any such action shall amount to a contract violation which may include, but not be limited to liquidated damages, removal of the involved security officer from the contract, vendor loss of post and/or any further action deemed necessary by the Chief of Security.

Thank you again for allowing me an opportunity to respond to your report. Please contact me if you require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Wendi J. Norris", with a long horizontal flourish extending to the right.

Wendi J. Norris  
Director

c: George M. Burgess, County Manager  
Jerry S. Hall, GSA Division Director  
Daniel J. Payne, GSA Chief of Security