



CLOSE-OUT MEMO

Criminal Investigation

Special Prosecutions Intake

A.S.A.: Johnette Hardiman

INVESTIGATION #: 86-17-30

SIGNATURE: _____

DATE: July 25, 2018

REVIEWED BY: _____

DATE: 7.26.18

JOSE J. ARROJO, Chief Assistant

SUBJECT(S): Erhabor Ighodoro

EMPLOYMENT: City of Miami Gardens, Vice-Mayor

INVESTIGATOR: Special Agent Gaylon White

INTERNAL AFFAIRS

AGENCY: Florida Department of Law Enforcement

INVESTIGATOR:

AGENCY:

PHONE:

PHONE:

CONCLUSION

CHARGES FILED

COURT CASE NUMBER:

Grand Theft

CRIME

812.014

STATUTE

Felony

DEGREE

OTHER:

The Florida Department of Law Enforcement (FDLE) received correspondence claiming that the Vice Mayor of the City of Miami Gardens, Erhabor Ighodoro (Subject) had misappropriated funds from the City. It was alleged that the Subject had taken trips to Africa which he charged to the City and that he had misappropriated funds from the¹ International Music Fest. The case was originated to subpoena records to either confirm or disprove the allegations.

The City issues a P-card to each councilperson.² Each councilperson is authorized to use the P-card for incidental expenses, day-to-day purchases, and to book travel. The proper usage of the P-card is covered in the P-Card manual and the City Handbook. Since 2009, there has been a form to be completed with each purchase. That form certifies that the expense "...serves as a valid public purpose performed in my official capacity" and is signed by the councilperson incurring

¹ The International Music Fest, also called the IM Fest, is a citywide festival put on annually by the City.

² The P-card is a purchasing card, also called a procurement card in City parlance. The terms are used interchangeably.

the expense. Each councilperson is allowed \$1,200 monthly (\$14,400 annually) during each fiscal year which runs from October 1 through September 30. Charges within the limit do not need Council approval.³

Investigation showed the Subject did take three trips to Nigeria which were paid for, in whole or in part, using his P-card. The trips were in July 2015, March 2016, and February 2017. According to City Manager Cameron Benson, the City had no business with Nigeria.

City Finance Director Patricia Varney explained that in 2015, the City Council passed a resolution to join Sister Cities International.⁴ The resolution, which was sponsored by the Subject, was passed prior to the Subject's travel. The trip in 2015 was paid for by donations. The 2016 trip was paid for via the Subject's P-card and his stated purpose was the Sister Cities program. The 2017 trip had only one expense charged to the City. Director Varney could not say if any city in Nigeria was ever designated as a "Sister City" to Miami Gardens.

Director Varney was also able to assist with some of the financial matters surrounding the IM Fest. The allegation was that the Subject, "...might be providing financial opportunities for his relatives and possibly him...". There was some confusion over some of the donations and expenses. One donation could not be used because it was clearly marked as a donation for a "children's event." Some expenses were not covered by the City. However, of the expenses paid, none could be traced to the Subject or a known family member.

Because of the very broad language used by the City of Miami Gardens in its internal policy manuals and forms, it would be very difficult to prove that the foreign trip expenditures were contrary to municipal rules. It follows that it would certainly be impossible to prove criminal guilt beyond and to the exclusion of all reasonable doubt. There is simply insufficient evidence as a matter of law to prove the crime of theft by Mr. Ighodoro.

As relates to the allegations regarding the IM Fest, again even if some donations were not used for the intended purpose in contravention of municipal rule, there is also insufficient evidence as a matter of law to establish criminal guilt beyond and to the exclusion of all reasonable doubt. Again, there is insufficient evidence as a matter of law to prove the crime of theft by Mr. Ighodoro.

The investigation regarding the above referenced transactions is closed. This decision has been communicated to the Florida Department of Law Enforcement. Any additional questions raised by this inquiry are referred to that agency. there is no further investigation

³ A review of the Subject's use of his P-card for the fiscal years ending in 2015, 2016, and 2017, showed he stayed within the \$14,400 annual limit.

⁴ Sister Cities International is a non-profit member association.