

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
OF FLORIDA IN AND FOR THE COUNTY OF MIAMI-DADE**

**FINAL REPORT
OF THE
MIAMI-DADE COUNTY GRAND JURY**

SPRING TERM A.D. 2006

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FILED

February 9, 2007

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FINAL REPORT SPRING TERM 2006

INTRODUCTION

Well into our term, this Grand Jury had a rather unique experience. We had the pleasure of meeting some of our predecessors, members of the Fall Term 2005 Grand Jury. They requested the meeting to ask that we continue an investigation which they could not complete due to time constraints. We readily agreed to take up where they had left off and began our look into the issue of affordable housing in Miami-Dade County.

I. THE MIAMI-DADE HOUSING AGENCY (MDHA)

We began our task by reviewing the Fall Term's Final report released on August 4th, 2006 entitled House of Cards: Built on Mismanagement and Cronyism. The Report was a scathing indictment of the Miami-Dade Housing Agency (MDHA) and many of our elected officials (present and past) who allowed "mismanagement, lack of controls and possible insider dealing" to result in the loss of millions upon millions of local, state and federal dollars. The Fall Term was so outraged that the "strongest recommendation in [their] final report was going to be a demand for the removal of all the agency's top administrators." ¹ In summary, our predecessors found the agency of 790 employees to be operating in an environment with few checks and balances, few systems in place, little or no accountability for sub-par work performances, and employees who hindered instead of assisted those most in need of their services.

This Grand Jury Report will focus on two distinct areas. First, we will comment on the aftermath of the house cleaning at the MDHA, the present state of affairs that exist there and problems and shortcomings which, if not corrected, may lead to scandals in other county departments and agencies. Our second area of focus will be directed at the general issue of affordable housing in Miami-Dade County and South Florida.

A. The Aftermath of The House of Lies

A number of significant events occurred after the Miami Herald's House of Lies series was issued. We would like to comment on several of them here. During our term, we became aware that the State Attorney's Office had begun an investigation of the

MDHA before the Miami Herald issued its first news reports. As a result of their lengthy investigation, the State Attorney's Office (SAO) has filed criminal charges against one of the principals highlighted in the House of Lies exposé. As reported to us by the lead prosecutor on the SAO Housing Task Force, his team of lawyers, investigators and auditors are still poring over reams of contracts, invoices and financial documents obtained pursuant to their investigation. It is only a matter of time before additional charges will be filed against others implicated in the scandal. We strongly encourage the State Attorney to press on with her investigation wherever it may lead. For those who committed criminal acts and stole taxpayer monies, we expect that they will be prosecuted to the fullest extent of the law.

During our investigation, we also received information regarding other misdeeds at the MDHA. Reports were being made that high-level officials at the MDHA had authorized and approved second mortgage loans for MDHA employees. Although that in and of itself was not a problem, the allegation was that the employees did not meet the eligibility requirements of the program – they made too much money. One of the SAO's Housing Task Force prosecutors reviewed all of the subject files and concluded that each of the employees who received a loan met the eligibility requirements. We were pleased to receive that report.

We were also pleased to discover that the county has recaptured over twenty million dollars (\$20,000,000) of Surtax funds that had been awarded to various developers and Community Development Corporations (CDCs) under the former MDHA administration. These funds have actually been “earmarked” for specific developers on specific contracts; however, most of the money had not yet been disbursed. We understand that the county manager has already taken steps to recapture funds that were disbursed. For money that has been released to developers that was either pocketed, misused or not used at all, we recommend that the county manager use all of the county's resources to have that money returned to government coffers. Where criminal conduct is involved, we recommend that all such instances be referred to the State Attorney's Office and the appropriate law enforcement agencies.

¹ Final Report, Miami-Dade County Grand Jury, Fall Term 2005, page 1.

In connection with matters involving the Infill Housing initiative, we discovered that the county is also attempting to recover county property that had been given to developers to use for the construction of affordable housing. Some of the lots were simply given away, while others were conveyed in exchange for payment of a nominal sum of money. Some of the developers have done little, if anything, with the properties and common sense says the county should take the property back and give it to someone who is capable of doing the job. We now understand that the task will not be that simple in all cases. Why?

We were informed that “reverter clauses” were not used in some of the legal documents. The reverter clause, simply put, requires that if housing is not constructed on the site, or if deadlines are not met or if nothing is done with the land, the property reverts back to the county. We are at a total loss to comprehend how something like this could happen. Documents were prepared and executed; yet they afforded few, if any, legal rights or remedies to the county if the developer chose not to perform.

In addition to seeking the return of public monies and property, the county manager conducted an overhaul of the top management at the MDHA. The embarrassment to our elected officials and the public outrage over the disclosures led to actions that many witnesses informed us should have taken place long ago. Some were terminated. Others were asked to submit letters of resignation and a few were demoted and/or transferred to other departments. The fallout affected, among others, the following positions:

- The Miami-Dade Housing Agency Director
- The Deputy Director of the MDHA
- The Chief of the Development and Loan Administration Division (DLAD)² and the two Assistant Division Directors who answered to that chief.
- The Chief of the Finance and Administration Division³.

Additional changes also occurred within the upper management levels within the MDHA.

² DLAD was the division responsible for the programs funded by the Documentary Stamp Surtax.

³ The Division of Finance and Administration oversaw issues that included computers and Management Information Systems (MIS).

In response to the troubles at the MDHA, the county manager assembled a Management Assistance Team, led by Senior Advisor Cynthia Curry. The MAT submitted an initial report to the manager in July 2006 to report on the State of Affairs at the Agency. As Ms. Curry reflected in the Management Assistance team's Preliminary Report,

...it is clear to me that the lack of basic management infrastructure such as: coordinated, unified management information systems; useful management reports; formal processes encouraging competition and transparency; qualified personnel across the board; written policies and procedures in key areas of programming such as Infill Housing and Loan Administration (Surtax); targeted project oversight, as well as comprehensive budget analysis and oversight have severely weakened the operations of the department and have unfortunately left open the opportunity for mismanagement and abuse. At present, MDHA is clearly in a state of management distress and requires my hands-on involvement in day-to-day management operations until the areas above are improved and a permanent director is hired.⁴

Thankfully, we believe that much has changed since issuance of that initial report.

B. The MDHA Today

Following the administrative shake-up at the MDHA, the County Manager ordered a national search to find a new Director to lead the troubled agency. The Grand Jury had the pleasure of meeting and talking with Kris Warren, the person selected for that position. She has an extensive and impressive background in housing related issues on both a state and national level.

Although Ms. Warren had only been on the job for a few weeks at the time of her Grand Jury appearance, she had already made a few decisions that we think are key to addressing some of the agency's key administrative shortcomings. She has conducted her own search and hired both a Chief Operating Officer and a Chief Development Officer to assist her in re-directing the MDHA. Having competent and qualified

⁴ Management Assistant Team Preliminary Report 7-13-06, Memorandum from Cynthia W. Curry, Senior Advisor to the County Manager to George M. Burgess, County Manager, July 13, 2006

professionals will help ensure that appropriate management controls are put into place and, more importantly, followed.

In order to give Ms. Warren and her management team sufficient time to focus on the HOPE VI Project and other “public housing” concerns, some divisions which were previously under the purview of the Housing Agency have temporarily been transferred to other county agencies that have expertise in those areas. The following is an example of some of the major temporary reassignments.

1. DLAD and the Surtax Funds

Oversight and administration of the Surtax Funds Homeownership Programs (which had been with the Development and Loan Administration Division) is presently being handled by the Housing Finance Authority (the “HFA”) and its Executive Director, Patricia Braynon. Based on the HFA’s years of experience in dealing with the financing of single-family homes and its creation of other novel home loan programs, the Manager’s Management Assistance Team recommended the temporary transfer of these responsibilities to Ms. Braynon and her agency. Ms. Braynon handpicked several employees from the MDHA and temporarily transferred their work site to the HFA offices. The employees were highly recommended by those outside the MDHA who had regularly come into contact with the agency. Their knowledge and experience covers the:

- a. Homeownership / second mortgage aspect of the Surtax funds;
- b. Rehabilitation loans for owner occupied homes; and
- c. Administration of the Request For Proposals (RFP) for the Homebuyer Counseling Contracts

In addition to processing the existing applications for second mortgages and reviewing those loan files, Ms. Braynon and her staff are developing guidelines, policies and procedures for the efficient administration of those loan files. For instance, while conducting the reviews of a backlog of more than three hundred loan application files, her staff found loan commitments that were more than six (6) months old. This was not just a procedural, bureaucratic failure. This meant that people who were eligible to get homes months before, were just “forgotten.” The loan closings had not yet occurred on

those files. Today, the former MDHA employees are working with HFA staff to develop a streamlined review that will ensure the closing of every loan file within sixty (60) days. They began their review on December 12, 2006. As of January 31, 2007, they had closed loans on forty-nine files. Approximately fifteen (15) more are scheduled to be closed by mid-February.

The Grand Jury is hopeful that Ms. Braynon, her staff, along with the former MDHA employees, will be successful in establishing and implementing management controls and procedures to resolve the concerns raised in Ms. Curry's memo to the County Manager.

- *We recommend that once those revised policies and procedures are developed that the Board of County Commissioners adopt them.*

2. The Infill Housing Program

The goal of the Infill Housing Initiative was to increase the availability of affordable housing for low and moderate income families by taking advantage of vacant lots and abandoned properties primarily located within the county's inner-city areas. Administration and oversight of the Infill Housing Program has been transferred to the County's General Services Administration. The Manager's Management Assistance Team recommended the transfer of these duties and responsibilities to the GSA primarily because it has expertise in the area of real estate.

The Board of County Commissioners adopted the resolution approving Administrative Order 3-44 that gave the GSA overall responsibility of administering the Infill Housing Initiative and also approved the revised policies and procedures recommended by the GSA. As set forth in the County Manager's recommendation, "the GSA will be responsible for identifying suitable lots, coordinating the process to review the lots to determine whether they are suitable for infill housing; administering the process to select the pool; and monitoring the construction and initial sale of the home. The latter area of responsibility is to ensure that once the affordable homes are built, they are sold to "qualified buyers" and not investors seeking to make a quick buck by "flipping" the house. This was a regular occurrence under the prior MDHA administration. Other county agencies or departments will assume responsibility for

qualifying the eligible homebuyers. We trust that the county will ensure that the sale documents will have all necessary protections and remedies for the county in case unscrupulous individuals attempt to rip-off the system again.

Since the time it accepted responsibility for this area, GSA has been evaluating the prior problems and developing new processes and procedures for operating and administering the Infill Housing Program. GSA reviewed all parcels awarded through the Infill Housing Initiative and their analysis revealed the following as of January 1, 2007:

- A total of 467 county lots were sold via competitive bidding process or transferred through some nominal conveyance.
- Homes have been built on 151 of those lots.
- Of the remaining 316 lots:
 - 234 lots are in the pre-development stage
 - 23 lots are under construction
 - 13 lots have already been returned to the county
 - GSA has recommended that ownership of the remaining 46 lots revert back to the county

As to the developers of the 234 lots in the pre-development stage, GSA has sent letters establishing an aggressive schedule with due dates for construction to be completed. We are hopeful that with this team of experts in place, we will not experience a repeat of the mismanagement and lax oversight that plagued this Initiative while it was operating under the MDHA.

- *We recommend that GSAS remain vigilant in ensuring that deadlines are met and that affordable housing is completed on the infill lots as expeditiously as possible.*
- *For those builders who do not comply, we recommend that the county take back the lots and convey them to experienced developers who have a history of meeting deadlines and completing projects in a timely manner.*

3. HOPE VI and Section 8

Two substantial areas of concern for the community and for this Grand Jury involve the HOPE VI project and the county's operation of the Section 8 Program. These

major programs have remained with the Housing Agency and its new director is aggressively moving to get these programs back on track.

a. HOPE VI

As to HOPE VI, Phase 1 of the project is finally well underway with Habitat for Humanity currently involved in the construction of fifty-two single family homes. Final construction and closing have already occurred on a number of the homes and former residents of the Scott-Carver Public Housing projects are included in the list of proud homeowners.

One of the present challenges faced by the MDHA is the ability of the agency to track and locate the 1,178 former Scott-Carver residents. Pursuant to the requirements of the HOPE VI Program, former residents were to be given the right of first refusal once the new homes were completed. Unfortunately, a company that Miami-Dade County contracted with to create a database to track the location of the former residents failed to comply with that contractual provision.⁵

The other major issue outstanding on the Hope VI Project is the completion of Phase II of the project, namely, the demolition of the remaining former Scott-Carver units and more importantly, the timely completion of all the remaining affordable housing units to be constructed. We were informed of at least one roadblock that is delaying the achievement of that goal. The competitive bidding process requesting Design Build Services for Phase II was initiated without any developers submitting bids on the project. The county is presently re-evaluating the terms of the Design Build contract so that the bidding process can begin anew. The failure to attract any bidders may be a direct consequence of all of the scrutiny previously focused on the county's HOPE VI Project. The future goal of completing Phase II of the HOPE VI Project does not bode well if such is the case. We trust that experienced, civic minded architects, builders and engineers will step up to the plate to make sure that this project is completed. It will not only be a benefit to the neighborhood. It will benefit our entire community.

- ***We recommend that MDHA Director Kris Warren move as expeditiously as she can to complete Phase 2 of the HOPE VI Project.***

⁵ A more detailed description of this contract and the waste of millions of dollars is set forth below under the section entitled We are Still Troubled, pp. 9-12.

- ***If Ms. Warren uncovers any acts of wrong doing in her review of all the monies that were spent under Phase I of the HOPE VI Project, we recommend that she forward all such information to the State Attorney's Office, The Office of the Inspector General and/or the appropriate law enforcement agency.***

b. Section 8

The future does not bode well for the county's Section 8 Program either. Local housing agencies nationwide have already received information that federal funds will be reduced significantly for public housing programs across the country. The MDHA is only expecting to receive approximately seventy-six percent (76%) of federal funds and subsidies it has requested for its housing program. Of that amount, the MDHA is expected to receive a cut of eight percent (8%) or approximately \$9.7 million of funds to be used for its Section 8 rental program. The county has a waiting list of more than 40,000 residents who are trying to obtain Section 8 assistance and the county has more than 1,000 units that are vacant and in need of repairs. One hundred percent (100%) of those presently participating in the program have incomes that are labeled as "extremely low," meaning their family incomes are under thirty percent (30%) of the Area Median Income. For a family of three, that is an annual income of \$15,000.⁶ At a time when our community's affordable housing needs are increasing, Ms. Warren will be forced to figure out a way to do more with less. She has turned around troubled agencies before. We are confident that she can do it again.

- ***We recommend that Ms. Warren move with all deliberate speed to ensure that all of the 1,000 vacant county owned affordable housing units are repaired and brought back on-line by the end of 2007.***

C. We Are Still Troubled

⁶ The federal government on an annual basis determines AMI for every county in the nation. The revised numbers are used by various governmental entities and agencies for determining eligibility for assistance, subsidies, vouchers, etc. The chart attached as Exhibit A of this report reflects the actual wage amounts for varying family sizes in Miami-Dade County based on the present area median income levels.

Notwithstanding our optimism with the new team assembled to tackle our housing woes, we are still troubled by one glaring conflict of interest involving an advisory board that works in conjunction with the MDHA. Moreover, we are also troubled by the total mismanagement of a multi-million dollar contract that involved the HOPE VI Project and was administered by the MDHA. We will address both of these issues here.

1. The Affordable Housing Advisory Board

As set forth on the website of the MDCHA, the Affordable Housing Advisory Board (AHAB) was established by ordinance to make recommendations to the Board of County Commissioners (BCC) on affordable housing incentives as required by funding regulations and guidelines established by state statutes, (cite). The meetings of the AHAB are held at the office of the MDCHA.

According to numerous witnesses, it was common knowledge within the MDHA and outside the agency that over the years of its existence AHAB members were actually in the business of constructing affordable housing. Most notably, AHAB members would often submit proposals from companies with which they were involved to the very Board on which they sat. The Advisory Board would consider the proposals, vote and then make its recommendations to the BCC.

To everyone in the Grand Jury room, this presented a clear appearance of conflict of interest. In questioning the immediate past director of the MDCHA and others, they each acknowledged that this was a regular practice and that AHAB members had their applications passed on to the BCC with favorable recommendations. According to the information we received, the AHAB devised a way of avoiding the conflict of interest. Whenever a Board member's request was being considered, that Board member would step out of the room. After that proposal had been considered and voted on he would return to the meeting. The next Board member whose request was being considered would then step out of the room while his proposal was being considered. The Grand Jury finds this to be an outrageous practice. To our knowledge, this practice has not been stopped.

AHAB has seen its credibility shredded. The board's credibility continues to decline by allowing this farcical process to continue. It is a charade. It should stop immediately and as others have done so before, make the following recommendations.

Recommendations

- *That the MDHA, the mayor and/or the Board of County Commissioners prepare and adopt a resolution that includes the following prohibition: While serving on the AHAB members are prohibited from submitting requests for funding or proposal to engage in affordable housing projects if such request or proposal requires review by the AHAB.*
- *All present and prospective AHAB members are to be informed that during the time they serve on the AHAB, neither they, nor any family member or company with which they are affiliated, are eligible to bid on any proposals that would be considered by the AHAB.*

2. The HOPE VI Revitalization Program Contract

A major goal of HOPE VI Projects around the nation was to transform the neighborhoods and provide new options for former public housing tenants. The aim was to make them more self-sufficient by providing counseling services, job training, job placement, remedial education, computer training, homeownership training and other such services. Once the new housing was constructed, the owners would be in better financial condition, possibly in new job positions and with the benefit of extensive training. In August 2001, the county, through the MDHA, entered into a contract with H.J. Russell & Company for Community and Supportive Services Program Management Services. H.J. Russell (the contractor) was also obligated to create a database that could be used to track the relocation of all the former residents and well as document the supportive services they received. The company was also expected to monitor the service providers who would actually administer the training to the residents.

Approximately four (4) years into the term of the contract, officials within the Miami-Dade Office of the Inspector General (OIG) received two anonymous complaints that the MDHA was paying the contractor for work performed under the HOPE VI contract without adequate supporting documentation of the invoiced amounts. Receipt of that information led to an audit conducted by the OIG. A quote from a cover

memorandum from the Inspector General to the County Manager underscores the magnitude and scope of the mess the OIG uncovered through the audit.

This audit report identifies serious deficiencies in the HOPE VI Revitalization Program Contract with H. J. Russell. Of particular concern were our findings relating to the poor contract administration and lack of oversight for this contract, which, unfortunately, as our broader on-going investigations are clearly establishing, were deeply entrenched within MDHA.⁷

Among its troubling findings, the OIG's auditors discovered that close to one million dollars of the money spent pursuant to this contract was used to pay for the salary and benefits of two MDHA employees who were supposed to be dedicated solely to providing oversight and monitoring of the services being provided as part of the CSS Program. The MDHA paid itself with the money from the contract even though it 1) never created a method to supervise the contractor's obligations under the contract; 2) never provided training to the MDHA employees who were supposed to supervise the contractor; and 3) had one of the two "dedicated" employees performing traditional MDHA duties. The sole job function they apparently performed was to approve every invoice that was submitted by the contractor. The invoices were approved by these employees, authorized by their supervisors and forwarded for payment without any proof that work on the contract had actually been performed.

Close to six million dollars of HOPE VI funds were spent for alleged CSS Program expenses. No one in the MDHA is able to produce any credible documents detailing what services were performed by the contractor to receive those federal dollars. No one inside or outside the MDHA could satisfactorily explain how such large sums of money could be doled out without anyone in the Agency raising an eyebrow or posing an inquiry. Is the culture in our county government so lax that employees accept these policies as "business as usual?"

Had it not been for the fortitude of the two anonymous county employees, more federal dollars would have been wasted on this contract. Fortunately, it was terminated after some of these findings came to light. We are unsure of what has happened to the

⁷ Memorandum dated August 24, 2006, from Christopher R. Mazzella, Inspector General to George M. Burgess, County Manager regarding Final Audit Report of MDHA's HOPE VI Revitalization Program Contract.

employees, supervisors and managers in the MDHA who allowed this travesty to occur. Similar to the senior management shake-up, we recommend that they be terminated or asked to resign from their positions. The county cannot afford (literally) to turn a blind eye every time one of these discoveries is made. To change the culture, a clear message needs to be sent that those employees who are not capable of performing their duties and/or who exercise extreme lapses of judgment which costs the county, should expect to be terminated. A failure to adopt such a mandate will ensure that the problems uncovered at the MDHA today will be uncovered in a different county agency tomorrow. For the sake of our community, we hope that such is not the case.

- ***We recommend that the County Manager use all efforts and resources to recoup all monies that were inappropriately given pursuant to the HOPE VI contract.***

II. **AN AFFORDABLE HOUSING CRISIS IN SOUTH FLORIDA**

The scandal and waste at the MDHA could not have happened at a worst time. Housing prices throughout the nation have been appreciating. According to the Office of Federal Housing Enterprise Oversight (OFHEO), average U.S. home prices rose 12.5 percent from the first quarter of 2005 to the first quarter of 2006. Home prices in Florida rose 26.6 percent (more than twice the national average) for the same time period. The median price of an existing, single-family home in Miami-Dade is \$378,000, according to the Florida Association of Realtors.

One of the alarming realities for elected officials, chambers of commerce and the business industry is that the issue of affordable housing is no longer an issue exclusive to very low, low and moderate-income earners.⁸ Real estate prices have increased so drastically that many of the “middle class”⁹ are foreclosed from purchasing single-family homes. Achieving the American Dream is no longer an option for many families earning

⁸ Please refer to the Income Limits Table attached hereto as Exhibit A to see the annual family incomes associated with these designations.

⁹ For purposes of this report, we define “middle class” as families whose annual income is from 100% - 140% of Area Median Income. See the Income Limits Table attached as Exhibit A hereto.

between \$60,000 and \$90,000 a year. In other words, a median income family can no longer afford a median price house.¹⁰

Housing has become a major issue in this county, this state and other metropolitan areas around the country. Elected officials at every level are now grappling with how to address this dilemma. Although federal, state and local governments have been operating housing programs for decades, the overwhelming majority of those were directed at very low, low and moderate-income residents. Now, the average teacher, police officer and school principal cannot afford a house. The dynamics and consequences of this problem are so great that it has everyone's attention. In fact, the issue itself has been renamed by some. It is no longer an "affordable housing" issue, it is a "work force housing" problem.

A perfect storm of different factors has emerged to price middle income families out of the real estate market. Increases in sales prices, coupled with a significant number of homes purchased at those increased prices have resulted in a major increase of property taxes. Further extensive hurricane damage throughout the state has resulted in significant increases for homeowner's insurance (hazard, windstorm, flood). In fact, most county residents have seen double-digit percent increases in their homeowner's insurance. That increase is in addition to increases in their property taxes. In addition to serving as a bar to new homeowners, this perfect storm is forcing some existing homeowners to sell their homes because they cannot afford them anymore. The mind set of many of those who are being forced to sell their homes is they will "take the money and run." They are running out of Miami-Dade County to more affordable housing markets.

Rising Rental Rates

The affordable housing crisis in South Florida is not limited to those seeking to purchase homes. Renters are also being affected. Condo conversions have removed a significant number of rental apartments from the market. During 2004 and 2005, a total of 248 projects, containing approximately 25,500 units, were converted from rental to

¹⁰ See May 2006 Report from the Office of the County Manager entitled Affordable Housing in Miami-Dade County, Review of the Data, Policies and Initiatives, Executive Summary.

ownership structures. The condominium conversions have had a negative impact on the supply of affordable workforce housing.¹¹ Not surprisingly, the vacancy rate in Miami-Dade County is less than two percent (2%).

The national average for rent increases from the first quarter of 2004 to the first quarter of 2006 is just under four percent (4%). The annual rent growth in South Florida rose more than ten percent (10%) for the same time period. One of the consequences is that some tenants are moving into smaller units (i.e., a two bedroom unit instead of three bedrooms) in an effort to keep their housing costs manageable. If downsizing does not work, many of these tenants may be forced to move out of the South Florida area. For many working families in Miami-Dade County, the cost of living is killing them. If circumstances do not change, many will leave. Their numbers will be added to the number of those who thought about moving here before they realized they would not be able to afford to rent or buy housing in South Florida.

Many renters are middle-income workers who would prefer to become homeowners. However, the absence of governmental programs to assist them and the rising sales prices on single-family homes and condominiums have forced them to remain tenants. This would be a minor setback but for the fact that the shortage of available rental units, a hefty increase in real estate taxes on the apartment buildings, and the cost of insurance is causing unprecedented jumps in monthly rental rates.

Another factor adding to the perfect storm is the South Florida economy. Our economy is primarily driven by tourism. That equates to a great number of low paying jobs in the service industry. Even though we continue to experience population growth every year, many of the new residents are immigrants, transients and retirees. There is a shortage of high-salaried jobs in this market. Yet, even for the middle class wage earners here, their salaries are not increasing anywhere near the record increases of the cost of

¹¹ See May 2006 Report from the Office of the County Manager entitled Affordable Housing in Miami-Dade County, Review of the Data, Policies and Initiatives, Executive Summary.

purchasing homes. In fact, sixty percent of Miami-Dade County residents are below 120% of Area Median Income (AMI).¹²

What Does the Future Hold?

How we address this problem and how quickly we do so will determine the answers to some basic questions looming on the horizon. The issues highlighted below will affect all of us who live in this county, regardless of how rich or poor we may be. They include the following:

1. With passage of the class-size reduction amendment for public schools, if this housing crisis continues will we have enough teachers to staff the increased numbers of classes? Stated more bluntly, will there be enough teachers available to ensure that your child will get a decent public education in this county?
2. With the recent increase in youth violence and teen homicides (as offenders and victims) will there be enough police officers to patrol the streets to ensure that we will be safe in our homes and communities?
3. For the criminals out there who are gunning down toddlers and pre-teens on our streets, will there be sufficient experienced Assistant State Attorneys to prosecute those cases? If not, will those defendants be released back into our communities to wreak further havoc?
4. When the drought season sets in again and the fires are raging in the Everglades, will there be enough firefighters such that they can fight the grass fires **and** respond to your neighborhood if your neighbor's house catches fire?
5. If you are sick enough that you must be admitted to the hospital, will your chances of having an unexpected complication while in the hospital increase due to a shortage of nurses in our community?

These are real and immediate questions that our elected officials on both the state and local level must start to work cohesively to address. If the county continues to lose large segments of its middle class, the consequences will be devastating for our economy and for our communities.

¹² See Exhibit A attached to this report, Income Limit Table.

Out of the Box Thinking and Strategies

As we received the testimony and reports from witnesses during our term, it became apparent that a lot of different agencies, departments, private employers, and municipalities were taking steps to directly address many of the problems being created by this unaffordable and work force housing crisis. We would like to note a few of those efforts here.

Teachers

The School Board for the Miami-Dade County Public Schools (MDCPS) is presently considering a number of proposals to help attract and retain teachers in South Florida. The School Board has actually created a Task Force on Affordable Housing and Compensation Trust (the “Task Force”) to consider potential workforce housing initiatives. One of the major obstacles for those starting out in the field of education is money. The base starting salary for a teacher who works the 10-month option is \$37,000. Based on low salaries and the housing prices we discussed above, it is apparent that most of these teachers and their families will not be able to purchase homes here in South Florida. Slight increases in salaries will not change this result.

For instance, the Monroe County School District (covering Key West, Florida) pays the highest wages of any other school district in the State. Nevertheless, it still loses twenty percent (20%) of its teachers every year. Why? The teachers cannot afford to live in Key West. The problem is not just limited to the teaching profession. We received information that a number of blue-collar workers are transported from South Dade to the Keys five days a week. The labor is “bused in” and “bused out” every day because the workers can not find affordable housing in Key West. The problem that has been plaguing Monroe County for years (exorbitant rental rates and sky-high home costs) have now arrived on our doorsteps.

Not surprisingly, the attrition rate for teachers here is also significant. The largest percentage of attrition for teachers occurs within their first five (5) years of teaching. With more than 22,000 teachers and a student population in excess of 350,000, the DCPS is the fourth largest school district in the nation. Unfortunately, as to funding education,

Florida is 47th in the nation in the amount it spends per student. The combination of low salaries for our teachers and the low funding of education for each of our students will have a direct impact on the skills and competence of those graduates who will be entering the job market. This situation is bound to get worse, based on a ballot measure from the 2002 election.

In 2002, Florida voters overwhelmingly approved a Class Size Reduction Amendment requiring that by the 2010-11 school year, the number of students in all classrooms in Florida would be capped at certain numbers.¹³ These size limits will constitute a reduction in student population in many of our overcrowded classrooms. Whereas under the present system a school may have four (4) third grade teachers with class sizes of 25 students each, once the effective date of the class size amendment has passed, it will require six (6) teachers to teach those same one hundred students.

The School Board is involved in a significant construction effort to increase the number of schools and available seats for the growing student population and to comply with the requirements of the amendment. It is clear that there will also need to be significant increases in the number of teachers hired to comply with the class size amendment.

Even without the impact of the amendment, the DCPS hired approximately twelve hundred (1,200) new teachers this year. Absent some creative efforts, many of these new teachers and a significant number who are within their first five years of teaching will leave the South Florida area to find communities where they can afford to buy housing for their families. The School Board has developed a plan that it hopes will assist in its efforts to attract and retain teachers.

The School Board owns acres of land presently worth millions of dollars and located in the “hot” downtown market. The plan being developed will involve the School Board borrowing money while using some of the land as collateral. A not-for-profit (NFP) corporation would then be created to administer the money obtained from the loan. The NFP would have two specific uses for the money.

¹³ The maximum number of students per class is dependent on the grade level. For pre-kindergarten through grade 3, 18 students; grades 4 through 8, 22 students; and grades 9 through 12, 25 students.

First, teachers could be given grants for down payment assistance toward the purchase of homes or condominiums. In exchange for the grant, the teacher would give a commitment to work in the DCPS for a certain number of years. Provisions would be placed in the contracts to prevent flipping and windfalls for those who received the grants. For instance, if the teacher/homeowner kept the house for ten (10) years, the money would not have to be paid back. If they sold within that time frame, the money would be paid back out of the sale proceeds and the not-for-profit would participate in the sharing of any equity. The money would then be recycled to be used for another teacher.

The second proposal is based on a prediction that the condo construction bubble is going to burst, resulting in a number of defaults and foreclosures on condominiums in South Florida. The not-for-profit could use its funds to purchase blocs of condo units at depressed prices. The money used to purchase the condos could be re-captured by selling the units to teachers at lower than market rates. Again, protections would be placed in the contracts to prevent flipping and windfalls. Other incentives could require a sharing of profits with the not-for-profit after a sale and/or a covenant that would require the seller to sell the property to another teacher, thereby keeping the unit affordable and ensuring the future availability of affordable housing stock in the area.

Although other school districts, such as New York, use “signing bonuses” to attract new teachers, that option is not available here in Florida. All of the dollars allocated by the Florida Legislature for education must be used for education. Unfortunately for South Florida, the present funding formula has a negative impact for Miami-Dade County. The legislature funds every student in the state the same. Although it costs more to live here than in other Florida cities, and although our teachers have to deal with more English as a Second Language (ESL) students and students who do not even speak English, the legislature stopped giving the MDCPS the District Cost Differential (DCD). Under the DCD, our school district had a 3% cost differential included in its funding to account for the significant differences between the costs of living here to that in other areas of the state. We hope that the School Board’s efforts will be effective in attracting and retaining more teachers.

- *Primarily because we believe it will assist in recruiting and retaining teachers in our communities, we strongly recommend that the Florida Legislature re-institute the DCD for the Miami-Dade County School District.*

Police

Our police departments are also suffering from the high costs of housing in Miami-Dade County. Their difficulties stem from trying to attract and retain new police officers with starting salaries around \$40,000 per year. Many departments have numerous officers who do not just live outside the jurisdiction of their municipality or city; they live in another county! They are easy to spot in their marked “take home” vehicles, traveling the clogged arteries of I-95, I-75 and the Florida Turnpike during the rush hour traffic. Their lengthy commute (in time and distance) is primarily the result of one factor – the ability to locate affordable housing.

Some of the larger cities have been looking to create incentives for officers to live within the jurisdictions they patrol. The lure? For some, the answer is down payment assistance or second mortgages to help with the purchases of homes or condos. The City of Miami Gardens recently created a stir within the law enforcement communities of Miami-Dade and Broward County when it announced it was offering a \$45,000 a year starting salary to rookie police officers who had a high school education. In addition to the comparatively higher starting salary, Miami Gardens is also offering: 1) a twelve thousand dollar (\$12,000) signing bonus; 2) a two thousand dollar additional payment for officers who live within the city limits; and 3) possible free college education. Even though the City of Miami Gardens was only incorporated less than four years ago, its salary structure for its police officers makes it one of the highest paying police departments in the entire state. To avoid a shortage of police officers in the future, our elected officials will have to create similar incentives to ensure that these working professionals will have affordable housing for their families.

State Government Lawyers

Another group of professionals directly impacted by the paucity of affordable housing in South Florida are government lawyers, primarily prosecutors and public defenders. Most of the lawyers recruited to these offices are recent law school graduates, many of whom have tens of thousands of dollars in law school loans that they must begin to repay within several years of starting their legal careers. The present legislatively approved starting salary for an Assistant State Attorney in Florida is \$39,000. Similar to the situation for teachers, the legislature does not give a cost of living differential in spite of the fact that it costs more for a prosecutor to live and work in Miami-Dade County than in some of the rural areas up north. At a salary of \$39,000 most of the new prosecutors qualify for housing initiatives that are targeted at low- and moderate-income families. Sadly, many of the prosecutors who would love to devote their careers to public service are forced to leave the office and seek employment elsewhere, simply because they cannot find affordable housing in South Florida.

The Miami-Dade office has approximately 300 Assistant State Attorneys. As reported in a November 29, 2006 Daily Business Review article, sixty-four lawyers left the office in 2005. The average attrition rate for prosecutor's offices around the state is high, hovering around twenty percent (20%). Many of them leave state government offices to work as lawyers in other governmental offices (both Federal and local), which have higher pay scales. As a result of losing so many prosecutors Katherine Fernandez Rundle has asked the Florida Legislature to raise starting salaries for all assistant state attorneys to \$50,000; establish a student loan repayment assistance program that kicks in after three years of service; increase retirement benefits; allocate more funds to state attorney offices in areas of Florida with higher living expenses, such as Miami-Dade; and develop a housing assistance plan for young prosecutors in Miami-Dade. All of these efforts are specifically designed to keep prosecutors in the office longer and make it easier for them to find affordable housing in South Florida. The community will benefit from having more experienced prosecutors handling the prosecution of those who commit crimes in Miami-Dade County.

- ***We recommend that the Florida Legislature adopt each of the proposals presented by the State Attorney.***

Health Care Professionals

Our local media have made it clear that health care professionals (primarily nurses and technicians) have also been negatively impacted by the affordable housing crisis in our community. A January 5, 2007 report by nbc6.net underscored how private employers are also suffering.

The article, entitled Baptist Health Says High Cost of Housing Hurts Health Care, reported on the difficulties Baptist Health of South Florida has been experiencing in recruiting and retaining employees because of the high cost of housing. Baptist Health, reported as the “largest private employer” in the area and one of Fortune magazines “100 Best Companies to Work For” acknowledges that it is losing highly skilled employees to other communities, which have lower housing costs.

As a result of the crisis, Baptist Health is going into the housing business. It is reportedly converting some existing buildings into condos and starting construction of new condos and townhouses in South Miami-Dade. Coincidentally, Baptist Health is also expected to break ground on construction of a new hospital this summer. Where will it be located? In South Miami-Dade County also.

One of our witnesses who commented on this housing initiative also pointed out that other giants in the health care profession (including Jackson Memorial Hospital and the University of Miami) have also begun looking into the question of how they will be able to assist in satisfying the housing needs of their present and future employees.

Unfortunately, our area has reached a point in which housing affordability may seriously hinder the ability of the business community to attract and retain a skilled and highly trained labor force who depends on the availability of “affordable” housing.

...we can infer that our current housing scenario is keeping us from attracting valuable talent or worse yet, retaining those we have. This is clearly a serious challenge to overcome as we strive to remain a global and competitive business center.

The quotes set forth above are taken from the Introduction section of a January 2006 Report issued by The Beacon Council, Inc. The report, entitled “Can Our Workforce Afford Housing In Miami-Dade County?” was an attempt to look at the housing affordability issue from an economic development point of view. The quotes underscore the magnitude of the affordable housing problem for Miami-Dade County residents. It

corroborates the testimony we heard from various witnesses. The solutions for these issues will have to come from collaborative efforts involving the business community, state and local government, and civic leaders. Global efforts to address the housing crisis should be initiated by the County Manager immediately. We note that the County Manager has revived an Affordable Housing Task Force and Work Group. In light of our findings above we make the following recommendations:

- ***The Grand Jury recommends that membership of the Task Force and Work Group be expanded to specifically include representatives or hiring managers from job professions such as teachers, prosecutors, public defenders, police, nurses and firefighters who work in this county. Even if not given voting privileges, we think representatives from these professions should be included in the meetings, discussions and plans for addressing our affordable and workforce housing crisis.***
- ***The Grand Jury recommends that some combination of Task Force and Workgroup representatives continue to work together on strategies related to workforce housing exclusively. This combined group should include representatives from 1) every municipal government in Miami-Dade County; 2) every housing agency and/or housing finance authority in Miami-Dade County and 3) every housing authority. The combined group should plan to meet, at a minimum, on a quarterly basis to review its progress.***

CONCLUSION

The American Dream, as envisioned by most persons living in this country, includes the hope of one day owning their own home. For those born with silver spoons in their mouths, homeownership is a given, and their problem is where to locate the summer home, the winter home and/or the vacation cabin. Children born into middle-class families through hard work, dedication and perseverance also have been successful in becoming homeowners. In recent years, particularly here in South Florida, rising home prices have made this a more difficult struggle for workers with moderate incomes. For most children born into families on the low end of our socio-economic ladder, the dream is just that: a dream.

Many of our poorest families live in the slums of our communities. Thousands of them live in government sponsored housing projects, usually clustered together in some

of the most crime-ridden areas of our cities. Their plight is to daily deal with roach and rat infested surroundings, overcrowding and hopelessness.

The federal government's decision to create funding with SHIP, HOME and CDBG dollars was to give hope to our working poor. They too could share in this American Dream. State and local governments jumped on the bandwagon and great ideas like the Surtax programs came into being. On an annual basis, millions of dollars would be coming into our county to assist the poverty stricken and disenfranchised citizens living among us. Money would be available to build decent, clean, safe multi-family housing units so families could be elevated from the horrible circumstances that so often prevail for those living in the projects. Other funds could be used for those who were almost ready to step up to the next rung on the ladder but needed a boost. The boost would come in the form of second mortgages, grants, down-payment assistance and/or other forgivable loans. Lastly, money and incentives would be available to ensure that affordable homes would be built that these first-time home buyers could afford. Had things gone as planned, they could have purchased new homes and ridden the wave of the coming increase in home values.

The Miami-Dade Housing Agency was the funnel through which most of these funds would pass. It could help these dreams come true. The majority of their target population were the very low, low and moderate income earners in Miami-Dade County. The Agency's mission statement makes this very clear:

We, the employees of Miami-Dade Housing Agency, through our collective efforts to positively enhance and better serve this community with integrity, care, high ethical standards, and competence, are committed to provide to low-and moderate-income residents of Miami-Dade County:

- Quality affordable housing opportunities
- Neighborhood revitalization and stabilization activities
- Economic independence opportunities
- Partnerships with private and public entities to optimize resources through innovative programs
- Efficient and effective management of resources generated

It sorely failed its mission. Quality, affordable housing opportunities (like Habitat for Humanity's, offer to build houses for free) were rebuffed. Neighborhood revitalization and stabilization activities (like Hope VI) have resulted in wastelands and displaced families. Economic independence opportunities and partnerships with private and public entities to optimize resources have, for the most part, only benefited the developers, and not the residents of Miami-Dade County. Finally, the efficient and effective management of resources generated has long been missing from this Agency. The saddest reality we have to accept is that the persons who will suffer the most from this are those who can least afford it. With the present state of our housing market, this once in a lifetime opportunity may be lost forever.

Reluctantly, we also acknowledge that these results could not / would not have ensued if our public officials had not been asleep at the switch. As reflected in various audit reports and memos, problems were discovered, remedies were suggested and very few, if any, changes were made. Moreover, in spite of the alarms raised, it still appears as if business went on as usual. We sincerely hope, in light of the public outrage that was engaged through the House of Lies and the likely chorus of additional criticisms once this report is released, that our public officials will heed the recommendations and take all other corrective action to prevent future recurrences.

Exhibit A

Income Limits Table

Income And Mortgage Limits Adjusted for Family Size						
Family Size	E. Low	V. Low	Low/Moderate	Median		
	30%	50%	80%	100%	120%	140%
Family of 1	11,750	19,550	31,300	39,100	46,920	54,740
Family of 2	13,400	22,350	35,750	44,700	53,640	62,580
Family of 3	15,100	25,150	40,250	50,300	60,360	70,420
Family of 4	16,750	27,950	44,700	55,900	67,080	78,260
Family of 5	18,100	30,200	48,300	60,400	72,480	84,560
Family of 6	19,450	32,400	51,850	64,800	77,760	90,720
Family of 7	20,750	34,650	55,450	69,300	83,160	97,020
Family of 8+	22,100	36,900	59,000	73,800	88,560	103,320
SHIP Limited to 120%				Income and Mortgage limits revised March 9, 2006		

HUD federal regulations require that a certain percentage of new admissions for low-income housing programs during a one-year period be at the extremely low-income, very low-income, and low-income levels and the percentages vary by housing program. The table and fact sheet provides the area median income and income target summary for Public Housing, Section 8, and Moderate Rehabilitation programs.

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
BENAVE JEAN LOUIS	First Degree Murder Child Neglect/No Great Bodily Harm Non-Support Minor Children Child Abuse/No Great Bodily Harm	True Bill
MYRON MORALES (A), TRAVIS STUBBS (C), RICHARD MAZARD (D), MICHAEL PAUL (E) and HERIBERTO "EDDY" HUERTA (F)	First Degree Murder (A),(C),(E) & (F) Robbery/Carjacking/Armed (A),(C),(E) & (F) Kidnapping with a Weapon (A),(C),(E) & (F) Robbery Using Deadly Weapon or Firearm (A),(C),(E) & (F) Grand Theft 3 rd Degree/Vehicle (A),(C),(E) & (F) Grand Theft 3 rd Degree/Vehicle (A),(C),(E) & (F) Burglary with Assault or Battery Therein While Armed (A),(C),(E) & (F) Accessory After the Fact (D) Accessory After the Fact (F) Cocaine Trafficking/Armed/28>/<150K Conspiracy to Traffic in Cocaine	True Bill
JOSEPH CHANEY	Murder First Degree Firearm Possession by Convicted Felon	True Bill
JAMES LORENZO WILLIAMS	Murder First Degree	True Bill
JULIO CESAR VILA	Murder First Degree Murder First Degree Murder First Degree Armed Home Invasion Robbery Conspiracy to Commit First Degree Murder	True Bill
KION MATHIS	Murder First Degree Murder/Premeditated/Attempt/Deadly Weapon	True Bill
MICHAEL KING, also known as MICHAEL CALLAHAN, also known as MICHAEL ANDREW	Murder First Degree Murder/Premeditated/Attempt Murder/Premeditated/Attempt Firearm/Possession by Convicted Felon	True Bill
VAUGHN BROWN	Murder First Degree Armed Burglary Robbery/Armed/Firearm Firearm/Weapon/Possession by Convicted Felon/Delinquent Stolen Property / Dealing In Escape	True Bill
LEONARD CHARLES BORDERS	Murder First Degree	True Bill

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
HUGO RAMON QUESADA	Murder First Degree Murder First Degree Murder/Premeditated/Attempt/Deadly Weapon	True Bill
LISSET HERNANDEZ	Murder First Degree Child Abuse/Aggravated/Great Bodily Harm	True Bill
BRANDON ANTRON ROLLE	Murder First Degree Robbery/Armed/Firearm	True Bill
MARIA EUGENIA PACHECO GUZMAN	Murder First Degree	True Bill
JERRY DENNARD HIXSON	Murder First Degree Robbery Using Deadly Weapon or Firearm	True Bill
JON JOSEPH SOARES	Murder First Degree Attempted Armed Robbery Aggravated Assault with a Firearm False Imprisonment / Armed Battery Robbery Using Firearm Robbery / Carjacking / Armed Fleeing / Eluding / PO / High Speed / Injury Firearm / Possession by Convicted Felon	True Bill
(A) TREVOR O. GRANT, also known as JOHN DOE (B) ELBIN CASTRO, (C) GLENN WALKER	Murder First Degree (A) Aggravated Battery / Deadly Weapon (A) Police Dog / Injure / Kill / Attempt (A) Murder / Premeditated / Attempt / Deadly Weapon (A) Resisting An Officer Without Violence to His / Her Person (A) Accessory After the Fact (B & C) Accessory After the Fact (B & C) Accessory After the Fact (B & C) Giving False Name / ID After Arrest (A)	True Bill
(A) JOSEPH CHANEY and (B) TREYMON SERGIO JACKSON	Murder First Degree (A & B) Firearm Possession By Convicted Felon (A Defendant Only)	True Bill
HARRY SELONIEU GERVIL	Murder First Degree	True Bill

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
(A) LISA CAMERON-SMITH (B) HOLLIS HORTON (C) TANGALH EASON-JENKINS (D) JENNIFER BRYANT	Organized Fraud-Scheme to Defraud (A,B,C,D) Official Misconduct / Public Servant (A,B) Official Misconduct / Public Servant (A,B) Official Misconduct / Public Servant (B) Official Misconduct / Public Servant (C) Official Misconduct / Public Servant (D) Official Misconduct / Public Servant (D) Grand Theft 3 rd Degree (A,B) Grand Theft 3 rd Degree (A,B) Grand Theft 3 rd Degree (B) Grand Theft 3 rd Degree (C) Grand Theft 3 rd Degree (D) Grand Theft 3 rd Degree (D)	True Bill 11/08/06

ACKNOWLEDGEMENTS

Nine months ago twenty-one randomly selected individuals were brought together to form the Miami-Dade Grand Jury, Spring Term 2006. These jurors, initially separated by age, ethnicity and cultural diversity, were able to unify as a group to form a motivated team. The experience resulted in a greater knowledge and respect for our judicial system.

It was an honor to serve on the Miami-Dade County Grand Jury and encourage our fellow citizens to participate in this important civic duty when our local government calls them to serve. We are also grateful for having the opportunity to be an influential part of the judicial process. We would like to take this opportunity to express our heartfelt thanks to the following, who have all managed innumerable duties with a cheerful and friendly attitude:

- Chief Assistant State Attorney Don Horn, for his professionalism, dedication and support. His endless knowledge and guidance not only educated us but made our service a truly rewarding experience. Our deepest thanks for making our job easier.
- Honorable Judge Gisela Cardonne Ely, who not only stressed the importance of serving on a grand jury, but also the significance of being involved in the community.
- State Attorney Katherine Fernandez Rundle, for her advice, commitment and years of service to the Miami-Dade County community and its judicial system.
- Rose Anne Dare, who flawlessly took care of all administrative details for each and everyone of us. Her professionalism and skills made our task easier to perform.
- Nelido Gil, our Bailiff, who every day greeted us with a smile, went downstairs to get us coffee for those long afternoons and made our days as jurors run as smoothly as possible. His ability to keep us in good spirits was definitely appreciated by all.
- Our court reporter, Dania Alen, for her professionalism and commitment.
- To those witnesses and experts who took time to come before us and answered all of our questions and concerns, we also thank you.

Our task was difficult and our journey through the judicial system was at times disturbing, frustrating, surprising and enlightening. Ultimately, despite the personal and professional sacrifices made by each of us, it was an experience we will never forget. It has truly been a privilege and honor to serve our community.

Respectfully submitted,

Melissa A. Willman, Foreperson
Miami-Dade County Grand Jury
Spring Term 2006

ATTEST:

Sharon L. Kendrick
Clerk

Date: February 9, 2007