

City of Miami

3500 Pan American Drive  
Miami, FL 33133  
www.miamigov.com

Meeting Minutes

Tuesday, January 10, 2023  
10:00 AM  
Commission Chambers

# Civil Service Board

*Troy Sutton, Chairperson*  
*Rodrigo Jimenez, Chief Examiner*  
*Rafael Cabrera, Board Member*  
*Ulysses Garcia, Board Member*  
*Travis Lindsey, Board Member*

## Pledge of Allegiance

The meeting was called to order at 10:18 am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

Attendee Name	Title	Status
Troy Sutton	Chairperson	Present
Rodrigo Jimenez	Chief Examiner	Absent
Rafael Cabrera	Board Member	Present
Ulysses Garcia	Board Member	Present
Travis Lindsey	Board Member	Present

### Adoption of Agenda

Chair Sutton asked if there were any revisions to the Agenda. Hearing none, a motion to adopt the Agenda as printed was considered and resulted as follows:

**Motion by Board Member Cabrera, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:**

**AYES:** Sutton, Cabrera, Garcia, Lindsey

#### A. Approving of the Minutes

A.1 Civil Service Board - Regular Meeting - December 13, 2022

**Motion by Board Member Lindsey, seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:**

**AYES:** Sutton, Cabrera, Garcia, Lindsey

#### B. Personnel Matters

**B.1** Request from Deepak Bhatt, Planner II, Planning Department, to be placed on the re-employment list for the classification of Planner II, pursuant to Civil Service Rule 12, Sec. 12.4, Resignations. (DISCUSSION)

**Motion by Board Member Lindsey, seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:**

**AYES:** Sutton, Cabrera, Garcia, Lindsey

**B.2** Copy of a memorandum from Juvenal Santana, Director, Department of Resilience and Public Works, requesting an extension of probationary period of Martin Upkai, Arborist, for six (6) additional months beyond January 15, 2023. (DISCUSSION)

Chair Sutton asked for the parties in this matter to come forward. Charles Alfaro, Assistant Director, and Raphael Gonzalez, Parks Operations Coordinator, Department of Resilience and Public Works, appeared before the Board on behalf of the Department. Mr. Gonzalez advised the Board the reason for requesting an additional six (6) months is to allow Mr. Upkai time to successfully obtain his certification from the International Society of Arboriculture. He added that should Mr. Upkai obtain this certification prior to the six month time period, he would be made permanent at that time. Mr. Upkai expressed no objection to the request. Following discussion, the Board entered a motion to GRANT the extension as requested, which resulted as follows:

**Motion by Board Member Lindsey, seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:**

**AYES:** Sutton, Cabrera, Garcia, Lindsey

#### C. Military Leaves of Absence

C.1 Alejandro Cuervo, Fire Lieutenant, requests extension of Active Duty Military Leave through May 15, 2023. Copy of Orders extending leave submitted. (DISCUSSION)

**Motion by Board Member Cabrera, seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:**

**AYES:** Sutton, Cabrera, Garcia, Lindsey

C.2 Sandy Cabana, Police Sergeant, requests extension of Active Duty Military Leave without pay from November 15, 2022 through March 10, 2023. Copy of Orders extending leave submitted. (DISCUSSION)

**Motion by Board Member Lindsey, seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:**

**AYES:** Sutton, Cabrera, Garcia, Lindsey

C.3 Matthew Conway, Firefighter, requests retroactive Active Duty Military Leave without pay from November 28, 2022 through December 16, 2022. Copy of Orders submitted. (DISCUSSION)

**Motion by Board Member Lindsey, seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:**

**AYES:** Sutton, Cabrera, Garcia, Lindsey

C.4 Matthew Conway, Firefighter, requests re-employment as a Firefighter, following his return from Active Duty Military Leave. Copy of a memorandum from the Army, indicating Honorable Discharge submitted. (DISCUSSION)

**Motion by Board Member Lindsey, seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:**

**AYES:** Sutton, Cabrera, Garcia, Lindsey

C.5 Jermaine Lattimore, Police Officer, requests re-employment as a Police Officer, following his return from Active Duty Military Leave. Copy of a DD214 from the Army, indicating Honorable Discharge submitted. (DISCUSSION)

**Motion by Board Member Lindsey, seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:**

**AYES:** Sutton, Cabrera, Garcia, Lindsey

#### **D. Disciplinary Matters**

D.1 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Shane Tardieu, Police Officer, of a 10-hour suspension, effective December 10, 2022, and a request to Appeal from Officer Tardieu. (NOTIFICATION)

D.2 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Wanda Jean-Baptiste, Police Officer, of a 40-hour suspension, effective January 4, 2023. (NOTIFICATION)

D.3 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Kenya Crocker, Police Officer, of a 10-hour forfeiture, effective December 14, 2022. (NOTIFICATION)

D.4 Copy of a letter from Chief Joseph F. Zahralban, Director, Department of Fire Rescue, notifying Jerry Mehu, Firefighter, of a 24-hour forfeiture, effective November 14, 2022. (NOTIFICATION)

D.5 Copy of a letter from Chief Joseph F. Zahralban, Director, Department of Fire Rescue, notifying Christian Sicre, Fire Lieutenant, of a 24-hour forfeiture, effective October 11, 2022. (NOTIFICATION).

#### **E. General Items**

E.1 Copy of a Request to Continue from Matthew Sarelson, Attorney, concerning the Whistleblower Hearing in accordance with Florida Statute 112.3187 of Heather Morris, former Deputy Chief of Police, as it relates to her Termination, effective October 4, 2021, (CSB#21-24I). Stephanie K. Panoff, Senior Assistant City Attorney, expressed no objection. (DISCUSSION)

Whistleblower Hearing is scheduled for today.

Matthew Sarelson, Attorney on behalf of Heather Morris, appeared before the Board via Zoom, requesting a second continuance, and explained that the reason for the request is to allow him additional time to obtain documents. Chair Sutton reminded Attorney Sarelson when the hearing was previously scheduled to be heard, he summoned both the attorney and his client to be present. Attorney Sarelson advised that he is aware that the Board has some concerns because his client lives in another state; however, if the continuance is granted, both parties will be present.

Member Cabrera noted for the record that for any pending Whistleblower hearing on the docket that has a continuance, the Board will not be inclined to grant another continuance, unless it is an unforeseen circumstance.

Following discussion, the Board entered a motion to GRANT the continuance and reschedule the matter for April 18, 2023, which resulted as follows:

**Motion by Board Member Cabrera, seconded by Board Garcia, that this matter be Approved, passed by the following vote:**

**AYES:** Sutton, Cabrera, Garcia, Lindsey

- E.2** Findings of Fact concerning the Appeal Hearing on behalf of Alfredo Matias, former Police Officer, concerning his Termination, effective January 27, 2022. (DISCUSSION)

Michael Braverman, Attorney, on behalf of Alfredo Matias, former Police Officer, appeared before the Board to request additional time to obtain the transcript of the hearing and respond to the Board with his objections. Attorney Braverman explained to the Board that he believed the Board's actions are not supported by the Findings of Fact presented, specifically, #5, #13, #14, #15, #21, #22 and #27. He went on to say that he would like to have additional time to include findings that accurately represent the vote and findings of the Board.

ACA Ferguson stated she has an objection to the parties including additional facts into the Findings. ACA Ferguson reminded the Board that Special Counsel Clyne properly prepared the findings. She went on to say she will not object to Attorney Braverman submitting his objections to Counsel Clyne and allow Counsel Clyne to decide what should or shouldn't be included.

Member Lindsey stated that he did not agree with the way the Findings of Fact were written. Following discussion, the Board entered a motion to GRANT the continuance and reschedule the matter for February 7, 2023, which resulted as follows:

**Motion by Board Member Cabrera, seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:**

**AYES:** Sutton, Cabrera, Garcia, Lindsey

- E.3** Copy of a Settlement Agreement between the City of Miami and Rigoberto Hernandez, Police Officer, concerning his Appeal Hearing, relative to his 40-hour suspension, effective May 9, 2022. (CSB#22-12D). (NOTIFICATION)

- E.4** Hearing of Appeal will be closed and removed from the Board's docket  
Status update concerning the Grievance Hearing of Maximiliano Valdes, Police Sergeant, concerning the examination process held on January 3 through 5, 2017, for Police Lieutenant, pursuant to Civil Service Rules 16.1- Investigation by the Board and 16.2- Complaint by Employee. (DISCUSSION)

The Executive Secretary presented the Board with a copy of a Judgment from the City Manager. The file will be closed and removed from the Board's docket.

- E.5** Status update concerning the Investigation Hearing from Osnat K. Rind, Attorney, on behalf of Jorge Torres, et. al. GSA employees, pursuant to Civil Service Rule 16.1- Investigation by the Board, concerning an Abuse of Power of Nelso Garcia, former Superintendent of Property Maintenance, and Civil Service Rules 14.2- (h), (i), (k), and (r). (DISCUSSION)

The Executive Secretary presented the Board with a copy of a Judgment from the City Manager. The file will be closed and removed from the Board's docket.

## **F. Reports**

- F.1** Civil Service Board 2023 Calendar Meetings. (DISCUSSION)

**Motion by Board Member Cabrera, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:**

**AYES:** Sutton, Cabrera, Garcia, Lindsey

- F.2** Hearings Pending List as of January 10, 2023. (NOTIFICATION)

Griska Mena, Attorney, appeared on behalf of Police Commanders Brandon Lanier and Wanda Jean Baptiste, concerning their Whistleblower hearing scheduled for January 24, 2023. Attorney Mena noted that two (2) hearings are scheduled for January 24, 2023 and requested direction from the Board regarding which case is likely to be heard first for planning purposes.

Attorney Mena advised the Board that she anticipates subpoenaing approximately 30 Miami Police Department employees. She went on to say some may or may not be forthcoming with information; therefore, an additional day will be needed as well.

ACA Ferguson advised the Board that she is prepared to move forward with both of the cases set for January 24, 2023. She went on to say that Attorney Michael Pizzi has the other case scheduled and she attempted to contact Attorney Pizzi, however, she didn't get a response. Following discussion, the Board entered a motion to GRANT a Board's continuance and reschedule Attorney Pizzi's case concerning Alfredo Matias, former Police Officer, to October 31, 2023, which resulted as follows:

**Motion by Board Member Cabrera, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:**

**AYES:** Sutton, Cabrera, Garcia, Lindsey

- F.3** 2022 Annual Board Report to the City Commission. (DISCUSSION)

The Executive Secretary presented the Annual Report and responded to questions from Members Cabrera and Lindsey regarding the Report. Chair Sutton asked if there were any additional questions or concerns. Board Members were asked to place the March 2, 2023 Commission Meeting on their calendars, as the oral presentation is expected to be made on that date. Hearing none, a motion to APPROVE the 2022 Annual Report resulted as follows:

**Motion by Board Member Cabrera, seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:**

**AYES:** Sutton, Cabrera, Garcia, Lindsey

**G. Requests for Hearings**

**H. Today's Hearings**

**H.1** Appeal Hearing on behalf of Daniel de la Rosa, Police Officer, concerning his 40-hour suspension, effective July 9, 2022.

Adanna Ferguson, Assistant City Attorney, advised the Board of a pending settlement in this matter. Following discussion, the Board GRANTED a continuance pending settlement, which resulted as follows:

**Motion by Board Member Cabrera, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:**

**AYES:** Sutton, Cabrera, Garcia, Lindsey

**H.2** Whistleblower Hearing in accordance with Florida Statute 112.3187 on behalf of Heather Morris, former Deputy Chief of Police, concerning her Termination, effective October 4, 2021.

Refer to E1

**ADJOURNMENT:**

A break was taken at: 12:30 pm – 12:36 pm

*There being no further business before the Board, a motion was entered to adjourn the meeting at 12:46 pm, which resulted as follows:*

**Motion by Board Member Lindsey, seconded by Board Member Cabrera, that this matter be Approved, passed by the following vote:**

**AYES:** Sutton, Cabrera, Garcia, Lindsey

**SIGNATURE: Troy Sutton, Chairperson**

**ATTEST: Tishria L. Mindingall, Executive Secretary**