

**City of Miami**

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

**Meeting Minutes**

**Tuesday, March 07, 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 10:19 am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Troy Sutton	Chairperson	Present
Rodrigo Jimenez	Chief Examiner	Present
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 Lindsey, seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:**

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

**A. Approving of the Minutes**

**A.1** Civil Service Board - Regular Meeting - February 21, 2023, 10:00 AM

A motion was entered to approve the Minutes as presented, 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, Jimenez, Cabrera, Garcia, Lindsey

**B. Personnel Matters**

**C. Military Leaves of Absence**

**C.1** Matthew Conway, Firefighter, requests retroactive Active Duty Military Leave without pay from January 9, 2023 through January 13, 2023, and a re-employment request as a Firefighter, following his return from Active Duty Military Leave. Copy of Orders and memorandum from the Army, indicating Honorable Discharge submitted. (DISCUSSION)

On behalf of the Board, the Chair thanked Firefighter Conway for his service, then entertained a motion to approve the extension, which resulted as follows:

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

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

**C.2** Michelangelo Rojas, Police Lieutenant, requests extension of Active Duty Military Leave without pay through November 1, 2023. Copy of Orders extending leave submitted. (DISCUSSION)

On behalf of the Board, the Chair thanked Lieutenant Rojas for his service, then entertained a motion to approve the extension, which resulted as follows:

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

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

## **D. Disciplinary Matters**

- D.1** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Barbara Reyes, Public Service Aide, of an 80-hour suspension, effective February 18, 2023, and a request to Appeal from PSA Reyes. (NOTIFICATION)
- D.2** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Tammy Capaz, Police Officer, of a 40-hour suspension, effective February 2, 2023, and a request to Appeal from Officer Capaz. (NOTIFICATION)
- D.3** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Marc Sauld, Police Officer, of a 40-hour suspension, effective March 5, 2023. (NOTIFICATION)
- D.4** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Raul Arcia, Police Officer, of a 10-hour suspension, effective February 25, 2023. (NOTIFICATION)
- D.5** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Lizlinda Bremer, Police Sergeant, of a 20-hour suspension, effective March 5, 2023. (NOTIFICATION)
- D.6** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Antonio Fernandez, Police Sergeant, of a 10-hour suspension, effective March 4, 2023. (NOTIFICATION)
- D.7** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Rafael Muina, Police Officer, of a 20-hour forfeiture, effective February 23, 2023. (NOTIFICATION)
- D.8** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Christopher Cal, Police Officer, of a 10-hour suspension, effective March 1, 2023, and a 50-hour forfeiture. (NOTIFICATION)
- D.9** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Gary Sampson, Police Sergeant, of a 10-hour suspension, effective March 7, 2023, and a 180-hour forfeiture. (NOTIFICATION)

## **E. General Items**

- E.1** Copy of a Motion from Stephanie Panoff, Senior Assistant City Attorney, on behalf of the City of Miami to strike and removed Employee Exhibit #42 from the records, concerning the Whistleblower Hearing in accordance with Florida Statute 112.3187 on behalf of Brandon Lanier, Commander and Wanda Jean Baptiste, Police Officer. (DISCUSSION)

Griska Mena, Attorney, appeared before the Board and expressed no objection to ACA Panoff's Motion to Strike and Remove Employee Exhibit #42 from the record. The Board entered a motion to approve the request, 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, Jimenez, Cabrera, 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)

Chair Sutton asked for the status of the Findings in this matter. Attorney Michael Braverman, Michael Braverman P.A., appeared on behalf of the Appellant. ACA Adanna Ferguson, City Attorney's Office appeared on behalf of the Department. Attorney Braverman thanked the Board for allowing additional time for all parties to discuss the Findings of Fact as presented from the Board's Special Counsel, at today's meeting.

Following discussion, the Board entered a motion to ADOPT the Findings of Fact presented by Special Counsel, which resulted as follows:

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

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

- E.3** Copy of a Request to Continue from Zachary L. Riback, Attorney, concerning the Appeal Hearing of Nicole Tyler, former Police Officer, as it relates to her Termination, effective February 5, 2020, (CSB#20-03D). Adanna Ferguson, Assistant City Attorney, expressed no objection. (DISCUSSION) Hearing of Appeal is scheduled for March 21, 2023.

Zachary Riback, Attorney, appeared via Zoom on behalf of Nicole Tyler, former Police Officer, requesting a continuance of the Civil Service Board hearing until a date after Ms. Tyler's FDLE matter is resolved. ACA Ferguson expressed no objection to the request.

Following discussion, the Board made a motion to GRANT the continuance, 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, Jimenez, Cabrera, Garcia, Lindsey

- E.4** Copy of a Notice from Chief Manuel Morales, Director, Department of Police, rescinding the discipline of Gregory Jack, Police Sergeant, concerning his 40-hour suspension, effective January 7, 2022. (NOTIFICATION)

Hearing of Appeal will be removed from the Board's docket.

## **F. Reports**

- F.1** Hearings Pending List as of March 7, 2023. (NOTIFICATION)

Board Member Cabrera discussed the meeting calendar, noting that no hearings are scheduled for the month of May; therefore, he asked to cancel May 2<sup>nd</sup> and May 30<sup>th</sup> regular Civil Service Board meetings. He went on to say any pending administrative matters can be addressed at the May 16<sup>th</sup> meeting. Following discussion, a motion was made to CANCEL the May 2<sup>nd</sup> and May 30<sup>th</sup> meetings, which resulted as follows:

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

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

**G. Requests for Hearings**

**H. Today's Hearings**

**H.1** Whistleblower Hearing in accordance with Florida Statute 112.3187 on behalf of Brandon Lanier, Commander & Wanda Jean Baptiste, Police Officer. Continuation from January 31, 2023.

**NOTE: At the onset of the Hearing, Member Garcia was not present and did not partake in the Whistleblower Hearing.**

As a matter of expediency, the Board agreed to hear the Grievants' cases together. The Hearing began January 24, 2023, and concluded today, March 7, 2023. The Grievants were represented by Griska Mena, Staff Counsel, South Florida Police Benevolent Association. The Miami Police Department was represented by Stephanie Panoff, Assistant City Attorney, Office of the City Attorney.

**Day 1: January 24, 2023**

The Board entered into the scheduled Whistleblower Hearing in accordance with Florida Statute 112.3187 on behalf of Brandon Lanier, Commander & Wanda Jean Baptiste, Police Officer.

Griska Mena, Attorney, provided opening statements. *Witnesses appearing at the request of the Grievants were as follows:*

1. Elizabeth Albert, Investigator, Civilian Investigative Panel. Questions were posed by Members Cabrera and Jimenez.
2. Angelica Rodriguez, Police Officer, City of Miami Police Department. Questions were posed by Members Lindsey, Cabrera and Jimenez.
3. Walter Singer, Police Officer, City of Miami Police Department. Questions were posed by Member Lindsey.
4. Orlando Benitez, Police Officer, City of Miami Police Department. Questions were posed by Members Lindsey and Cabrera.
5. Robert Robinson, Police Sergeant, City of Miami Police Department. Questions were posed by Member Cabrera.

**Day 2: January 31, 2023**

The Board reconvened with the scheduled Whistleblower Hearing in accordance with Florida Statute 112.3187 on behalf of Brandon Lanier, Commander & Wanda Jean Baptiste, Police Officer.

Additional witnesses appearing at the request of the Grievants were as follows:

1. Elizabeth Albert, Investigator, Civilian Investigative Panel. Questions were posed by Members Cabrera and Jimenez.
2. Michelle Verdin, Police Sergeant, City of Miami Police Department.
3. Bianca Joseph, Commander, City of Miami Police Department. Questions were posed by Members Lindsey, Cabrera and Jimenez.
4. Ramon Carr, Police Lieutenant, City of Miami Police Department. Questions were posed by Members Lindsey, Sutton and Cabrera.
5. Kevin Ruggiero, Police Lieutenant, City of Miami Police Department.
6. Chief Manuel Morales, Director, City of Miami Police Department. Questions were posed by Members Cabrera, Jimenez, Sutton and Lindsey.
7. Brandon Lanier, Police Lieutenant, City of Miami Police Department, testified on his own behalf. Questions were posed by Members Lindsey, Cabrera and Jimenez.

**Day 3: March 7, 2023**

*The Board reconvened with the scheduled Whistleblower Hearing in accordance with Florida Statute 112.3187 on behalf of Brandon Lanier, Commander & Wanda Jean Baptiste, Police Officer.*

No testimony was presented by Wanda Jean Baptiste, Police Officer.

Both parties rested their cases, then provided closing arguments. Exhibits were introduced and entered into evidence by both parties.

The Board entered into deliberations.

Following discussion by Board Members Lindsey, Cabrera, Jimenez, and Sutton, the Board entered a motion in the matter of Wanda Jean Baptiste, Police Officer, to report to the City Manager the Grievant failed to prove the burden under the Whistleblower Statute, which resulted as following:

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

**AYES:** Sutton, Cabrera

**NOES:** Jimenez, Lindsey

Having had a failed vote in the matter of Wanda Jean Baptiste hearing, the Board proceeded with deliberation of Brandon Lanier, Police Lieutenant.

Following discussion by Board Members Lindsey, Cabrera, Jimenez, and Sutton, the Board entered a motion in the matter of Brandon Lanier, Police Lieutenant, to report to the City Manager the Grievant failed to prove the burden under the Whistleblower Statute, which resulted as following:

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

**AYES:** Sutton, Cabrera,

**NOES:** Jimenez, Lindsey

Member Cabrera remarked that there had been a lot of information over the course of three (3) days and expressed his dismay at ending with a tied (2-2) vote. He added that he will reconsider when deciding on moving forward with a four (4) member panel; however, he respects his colleagues' decisions. Special Counsel advised that he will prepare Findings and Recommendations for Board approval, which will then be forwarded to the City Manager.

**ADJOURNMENT:**

A break was taken at: 10:31 am – 10:55 am.

There being no further business before the Board, a motion was entered to adjourn the meeting at 12:50 pm, which resulted as follows:

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

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

**SIGNATURE: Troy Sutton, Chairperson**

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