

City of Miami

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

Meeting Minutes

Tuesday, June 27, 2023
10:00 AM
Commission Chambers

Civil Service Board

Troy Sutton, Chair
Rodrigo Jimenez, Chief Examiner
Rafael Cabrera, Board Member
Ulysses Garcia, Board Member
Wilbur Jackson, Jr., Board Member

Pledge of Allegiance

The meeting was called to order at 10:01 am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

Attendee Name	Title	Status	Arrived
Troy Sutton	Chair	Present	
Rodrigo Jimenez	Chief Examiner	Absent	
Rafael Cabrera	Board Member	Present	10:12 AM
Ulysses Garcia	Board Member	Present	
Wilbur M. Jackson, Jr.	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 Jackson, seconded by Board Member Garcia, that this matter be APPROVED, passed by the following vote:

AYES: Sutton, Garcia, Jackson, Jr.

A. Approving of the Minutes

A.1 Civil Service Board - Regular Meeting - June 13, 2023

Motion by Board Member Jackson, seconded by Board Member Garcia, that this matter be APPROVED, passed by the following vote:

AYES: Sutton, Garcia, Jackson, Jr.

B. Personnel Matters

B.1 Copy of a memorandum from Juvenal Santana, Director, Department of Resilience and Public Works, requesting a second extension of probationary period of Martin Ukpai, Arborist, for six (6) additional months beyond July 15, 2023. (DISCUSSION)

Motion by Board Member Garcia, seconded by Board Member Jackson, that this matter be APPROVED, passed by the following vote:

AYES: Sutton, Garcia, Jackson, Jr.

B.2 Copy of a memorandum from Chief of Police Manuel A. Morales, Director, Department of Police, requesting an extension of probationary period of Anthony Colon, Police Officer, for one (1) additional month beyond August 24, 2023. (DISCUSSION)

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

AYES: Sutton, Garcia, Jackson, Jr.

C. Military Leaves of Absence

D. Disciplinary Matters

- D.1 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Marquise Williams, Police Officer, of a 10-hour suspension, effective June 17, 2023. (NOTIFICATION)
- D.2 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Ryan Michel, Police Officer, of a 20-hour suspension, effective June 18, 2023. (NOTIFICATION)
- D.3 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Rene Lara, Police Officer, of a 10-hour suspension, effective June 14, 2023. (NOTIFICATION)
- D.4 Copy of a letter from Chief Joseph F. Zahralban, Director, Department of Fire Rescue, notifying Christopher Sanchez, Emergency Dispatcher, of an 8-hour suspension, effective May 16, 2023. (NOTIFICATION).
- D.5 Copy of a letter from Chief Joseph F. Zahralban, Director, Department of Fire Rescue, notifying Luque Barrientos, Firefighter, of a 24-hour forfeiture, effective April 28, 2023. (NOTIFICATION).

E. General Items

- E.1 Copy of a Judgment from Arthur Noriega, V., City Manager, concerning the Whistleblower Hearing on behalf of Brandon Lanier, Commander and Wanda Jean Baptiste, in accordance with Florida Statute 112.3187. (NOTIFICATION)

F. Reports

- F.1 Hearings Pending List as of June 27, 2023. (NOTIFICATION)

G. Requests for Hearings

H. Today's Hearings

- H.1 Appeal Hearings on behalf of Mario Gonzalez, former Police Officer, concerning his Termination, effective November 9, 2021 (**CSB #21-21D-Reprimand #21-171 & CSB #21-22D - Reprimand #21-172**).

The Appellant did not appear, although he had been notified several times via US mail and email; therefore, the hearing proceeded under Civil Service Rule 14.7, and the Department presented evidence to support the charges.

Prior to beginning the hearing, Stephanie Panoff, Assistant City Attorney, on behalf of the department, requested that the hearings be combined, as most of the witnesses and exhibits are the same for both instances leading to terminations. Following discussion, the Board entered a motion to combine the hearings, which resulted as follows:

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

AYES: Sutton, Cabrera, Garcia, Jackson, Jr.

The Board entered into the scheduled Appeal Hearing on behalf of Mario Gonzalez, Police Officer.

The Appellant was not present, nor represented by an attorney. The Miami Police Department was represented by Stephanie Panoff, Assistant City Attorney, Office of the City Attorney, City of Miami.

The hearing began with presentation of the department's case in chief. The Board heard testimony from the following witnesses:

1. Erica Gonzalez, Private Citizen. *Questions were posed by Member Jackson.*
2. Robert Robinson, Police Sergeant, City of Miami, Department of Police. *Questions were posed by Members Garcia, Cabrera, Sutton and Jackson.*

3. *Erin Truho, Police Detective, City of Austin, TX. Questions were posed by Members Jackson and Garcia.*

No testimony was presented on behalf of Mario Gonzalez. Exhibits were entered into evidence by the department. Chair Sutton stated that he had heard enough to render a decision, and the other Board members agreed. The Board then entered into deliberations.

Member Cabrera expressed that he was really disappointed in the appellant; that if he thought the termination was important enough to request a hearing before the Board, then it should be important enough to show up for the hearing. Chair Sutton concurred and hopes that Mr. Gonzalez finds the help that he needs.

Following discussion, the Board entered a motion to find Mario Gonzalez GUILTY of all charges cited in the charging documents related to Reprimand #21-171 and #21-172, which resulted as follows:

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

AYES: Sutton, Cabrera, Garcia, Jackson, Jr.

Under the penalty phase of the hearing, the Board entered a motion to UPHOLD the police chief's decision to TERMINATE Mario Gonzalez, which resulted as follows:

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

AYES: Sutton, Cabrera, Garcia, Jackson, Jr.

ADJOURNMENT:

Breaks were taken at: 10:10am - 10:16am; and 11:06am - 11:12am.

Prior to adjourning, Chair Sutton advised that today would be his last meeting in uniform, as he is retiring from the City of Miami Department of Fire-Rescue as of June 30, 2023. He continued that he is not leaving the Board, and he thanked the members, counsel, staff and others for the opportunity to serve as chair.

There being no further business before the Board, a motion was entered to adjourn the meeting at 12:33 pm, which resulted as follows:

Motion by Board Member Jackson, Jr., seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:

AYES: Sutton, Cabrera, Garcia, Jackson, Jr.

SIGNATURE: Troy Sutton, Chairperson

ATTEST: Tishria L. Mindingall, Executive Secretary