

City of Miami

3500 Pan American Drive
Miami, FL 33133
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Meeting Minutes

Tuesday, July 25, 2023
10:00 AM
Commission Chambers

Civil Service Board

Troy Sutton, Chairperson
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 10:10 am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

Attendee Name	Title	Status	Arrived
Troy Sutton	Chairperson	Present	
Rodrigo Jimenez	Chief Examiner	Present	10:23 AM
Rafael Cabrera	Board Member	Present	
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 Jr., seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:

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

A. Approving of the Minutes

A.1 Civil Service Board - Regular Meeting - July 11, 2023, 10:00 AM

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

B. Personnel Matters

C. Military Leaves of Absence

C.1 Byanka Charles, Police Officer, requests Active Duty Training Leave without pay from July 9, 2023 through July 15, 2023. Copy of Orders submitted. (NOTIFICATION)

C.2 Byanka Charles, Police Officer, requests Active Duty Training Leave without pay from July 17, 2023 through August 14, 2023. Copy of Orders submitted. (NOTIFICATION)

C.3 Matthew Conway, Firefighter, requests Active Duty Military Leave without pay from July 5, 2023 through August 19, 2023. Copy of Orders submitted. (DISCUSSION)

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.

C.4 Pedro L. Montero, Firefighter, requests retroactive Active Duty Military Leave without pay from May 17, 2023 through June 16, 2023. Copy of Orders submitted. (DISCUSSION)

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.

D. Disciplinary Matters

- D.1** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Javier Cartagena, Sergeant, of a 10-hour forfeiture, effective July 11, 2023. (NOTIFICATION)
- D.2** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Eric Sanchez, Police Officer, of a 10-hour forfeiture, effective July 7, 2023. (NOTIFICATION)

E. General Items

- E.1** Copy of a Request to Continue from Juan Ramos, Grounds Tender, concerning to his Appeal Hearing, as it relates to a 192-hour suspension, effective October 5, 2022, (CSB#22-25D). Jazmine Preston-O'Neil, Assistant City Attorney, expressed no objection. (DISCUSSION) Hearing of Appeal is scheduled for today.

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.

F. Reports

- F.1** Hearings Pending List as of July 25, 2023. (NOTIFICATION)

G. Requests for Hearings

H. Today's Hearings

- H.1** 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.

The Grievant was represented by Matthew Sarelson, Attorney. The Miami Police Department was represented by Stephanie Panoff, Assistant City Attorney, City of Miami Office of the City Attorney.

The Board entered into the scheduled Whistleblower Hearing in accordance with Florida Statute 112.3187 on behalf of Heather Morris, former Deputy Chief of Police. Opening statements were provided by both counsels, Matthew Sarelson, Attorney, and Stephanie Panoff, Assistant City Attorney.

Witness appearing at the request of the Grievant was as follows:

1. Heather Morris, former Deputy Chief of Police. Questions were posed by Members Sutton, Cabrera and Jackson.

Exhibits were introduced and entered into evidence by the Department. No exhibits were entered by the Grievant. Both parties rested their cases and waived closing arguments.

The Board entered into deliberations. Member Cabrera expressed his dismay at the Grievant's case in chief. He went on to explain that he asked the Grievant on several occasions to clarify how she met the burden of a being a Whistleblower, in accordance with the State Statute; however, the Grievant was unable to do so. Chair Sutton expressed his disappointment because the Board spent more time scheduling the Grievance than the time spent on the actual hearing. He added he was expecting more from the Grievant and no evidence was presented to support the Whistleblower Grievance other than a letter that was submitted to the Commissioners by former Chief of Police Acevedo.

Following discussion, the Board entered a motion that the Grievant FAILED to prove her burden under the Whistleblower Statute, which resulted as following:

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

AYES: Sutton, Cabrera, Garcia, Jackson, Jr

Special Counsel advised that he will prepare Findings and Recommendations for Board approval, which will then be forwarded to the City Manager.

- H.2** Appeal Hearing on behalf of Juan Ramos, Grounds Tender, concerning his 192-hour suspension, effective October 5, 2022.

Hearing of Appeal continued (refer to Item E.1).

ADJOURNMENT:

Breaks were taken at: 10:16 am – 10:23 am and 12:00 pm – 12:16 pm

There being no further business before the Board, a motion was entered to adjourn the meeting at 12:24 pm, which resulted as follows:

Motion by Board Member Cabrera, seconded by Board Member Jackson Jr., 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

