

City of Miami

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

Meeting Minutes

Tuesday, October 19, 2021

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 10:11 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	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 Cabrera, seconded by Board Member Lindsey, 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 - October 5, 2021 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

B.1 Copy of a memorandum from Chief Art Acevedo, Director, Department of Police, requesting an extension of probationary period of Sabrina Blanchard, Police Officer, for three (3) months beyond November 1, 2021. (DISCUSSION)

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

C. Military Leaves of Absence

C.1 Daniel Salhuana, Crime Scene Investigator I, requests re-employment as a Crime Scene Investigator I, following his return from Military Leave. Copy of memorandum from the Army indicating Honorable Discharge submitted. (DISCUSSION)

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 Katherine Triana Vasquez, Police Officer, requests re-employment as a Police Officer, following her return from Military Leave. Copy of 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, Jimenez, Cabrera, Garcia, Lindsey

C.3 John Romero, Police Officer, requests re-employment as a Police Officer, following his return from Military Leave. Copy of memorandum from the Air Force indicating Honorable Discharge submitted. (DISCUSSION)

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

C.4 Alejandro Cuervo, Fire Lieutenant, requests re-employment as a Fire Lieutenant, following his return from Military Leave. Copy of memorandum from the Army indicating Honorable Discharge submitted. (DISCUSSION)

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

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

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.6 Adrian Talania, Police Officer, requests extension of Active Duty Military Leave without pay through October 15, 2021. Records reflect his original request for Military Leave was from April 5, 2021 through September 12, 2021. Copy of memorandum extending leave submitted. (DISCUSSION)

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.7 Raweevan Andrews, GIS Data Specialist, requests extension of Active Duty Military Leave without pay through October 31, 2021. Records reflect her original request for Military Leave was from August 27, 2021 through September 30, 2021. Copy of memorandum extending leave submitted. (DISCUSSION)

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.8 Joshua Edward Lara, Police Detective, requests Military Leave without pay from October 5, 2021 for a period of 400 days. Copy of Orders submitted. (DISCUSSION)

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.9 Katherine Triana Vasquez, Police Officer, requests Military Leave without pay from November 1, 2021 for a period of 365 days. Copy of Orders submitted. (DISCUSSION)

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.10 Abraham Rodriguez, Police Officer, requests Military Leave without pay from October 5, 2021 for a period of 400 days. Copy of Orders submitted. (DISCUSSION)

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 Art Acevedo, Director, Department of Police, notifying Alian Albuerno, Police Officer, of a 10-hour forfeiture, effective October 7, 2021. (NOTIFICATION)
- D.2** Copy of a letter from Chief Art Acevedo, Director, Department of Police, notifying Derrick Banks, Police Officer, of a 10-hour forfeiture, effective October 8, 2021. (NOTIFICATION)
- D.3** Copy of a letter from Chief Art Acevedo, Director, Department of Police, notifying Thomas Paulus, Police Sergeant, of a 10-hour forfeiture, effective October 8, 2021. (NOTIFICATION)
- D.4** Copy of a letter from Chief Art Acevedo, Director, Department of Police, notifying Patrick Poll, Police Officer, of a 40-hour suspension, effective October 13, 2021. (NOTIFICATION)
- D.5** Copy of a letter from Chief Art Acevedo, Director, Department of Police, notifying Patrick Poll, Police Officer, of an 80-hour suspension, effective October 20, 2021. (NOTIFICATION)
- D.6** Copy of a letter from Chief Art Acevedo, Director, Department of Police, notifying Joshua Cobo, Police Officer, of a 10-hour suspension, effective October 17, 2021. (NOTIFICATION)
- D.7** Copy of a letter from Chief Art Acevedo, Director, Department of Police, notifying Ryan Michel, Police Officer, of a 10-hour suspension, effective September 27, 2021 and a request to Appeal from Officer Michel. (NOTIFICATION)
- D.8** Copy of a letter from Chief Art Acevedo, Director, Department of Police, notifying Kenneth Rodriguez, Police Officer, of a 40-hour suspension, effective October 17, 2021. (NOTIFICATION)
- D.9** Copy of a letter from Chief Art Acevedo, Director, Department of Police, notifying Linda Casalis, Police Officer, of an 80-hour suspension, effective October 26, 2021. (NOTIFICATION)

E. General Items

- E.1** Findings of Fact concerning the Hearing Appeal on behalf of Xiao-Wen Michelle Choi, Principal Staff Analyst, as it relates to her demotion, effective November 14, 2017. (DISCUSSION).

Chair Sutton asked for the status of the Findings in this matter. Attorney Charles Mays, Charles Mays, Esquire, appeared before the Board on behalf of the Appellant. Attorney Mays advised the Board that a copy of his objections was previously provided to the Civil Service Board Office and Adanna Ferguson, Assistant City Attorney for review. Attorney Mays went on to explain his objections to the Board.

Chair Sutton stated that he would assume that ACA Ferguson disagreed with the Appellant's position.

Adanna Ferguson, Assistant City Attorney, appeared before the Board and stated that she received a copy of the Appellant's proposed Findings of Fact and request the Board to deny the Appellant's version of Findings of Fact. ACA Ferguson referred the Board to page 18 of the Civil Service Board Manual of Procedures, which state the following, "It is the responsibility of the Boards Special Counsel to complete and submit Findings of Fact within a reasonable amount of time to the Civil Service Board following an appeal hearing. The Findings of Fact must be based upon substantial competent evidence and supported by evidence in the record. A conclusion by itself is insufficient. These facts must be supported in the Findings of Fact and recommendations, which will support the final Judgment which will be signed by the City Manager." ACA Ferguson went on to ask the Board to adopt Special Counsel's version of Findings of Fact and Conclusions of Law.

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 Chairperson Sutton, that this matter be Approved, passed by the following vote:

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

E.2 Notice of withdrawal as counsel, from Libby Navarrete, Attorney, Phillips, Richard & Rind PA, concerning the matter of Joel Fernandez, Ocean Rescue Lifeguard. (NOTIFICATION)

F. Reports

F.1 Hearings Pending List as of October 19, 2021. (NOTIFICATION)

G. Requests for Hearings

H. Today's Hearings

H.1 Hearing Appeal on behalf of Jason Mignott, Code Compliance Inspector, concerning his 3 working days suspension, effective March 19, 2021.

ACA Ferguson advised the Board of an executed settlement in items H.1 and H.2.

The Executive Secretary confirmed receipt of said agreement. Both matters will be considered settled and removed from the Board's docket.

H.2 Hearing Appeal on behalf of Jason Mignott, Code Compliance Inspector, concerning his 10 working days suspension, effective March 24, 2021.

H.3 Investigation Hearing on behalf of Joel Fernandez, Ocean Rescue Lifeguard, pursuant to Civil Service Rule 16.1 Investigation by the Board, Abuse of Power and Civil Service Rule 5.4- Disqualification and violation of Section 36 of the City's Charter.

Sutton called for the hearing of Joel Fernandez, Ocean Rescue Lifeguard. No one was present on his behalf. The Executive Secretary read into record an email received from Mr. Fernandez on October 18, 2021, at 7:15pm, advising of his attorney's withdrawal as counsel.

ACA Ferguson appeared before the Board on behalf of the Department. ACA Ferguson made a Motion to Dismiss with prejudice and explained her reason for the motion.

Following discussion, the Board made a motion to GRANT the motion on the floor, which resulted as follows:

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

AYES: Sutton, Cabrera, Garcia, Lindsey

NAYS: Jimenez

ADJOURNMENT:

There being no further business before the Board, a motion was entered to adjourn the meeting at 10:48 am, which resulted as follows:

SIGNATURE: Troy Sutton, Chairperson

ATTEST: Tishria L. Mindingall, Executive Secretary