

City of Miami

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

Meeting Minutes

Tuesday, December 10, 2019

10:00 AM

Commission Chambers

Civil Service Board

Troy Sutton, Chairperson

Michael Dames, 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 10:07 am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

Attendee Name	Title	Status
Troy Sutton	Chairperson	Present
Michael Dames	Chief Examiner	Present
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 Cabrera, that this matter be Approved, passed by the following vote:

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

A. Approving of the Minutes

A.1 Civil Service Board - Regular Meeting - Nov 26, 2019 10:00 AM

A motion was entered to approve the Minutes as presented, which resulted as follows:

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

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

B. Personnel Matters

B.1 Copy of a memorandum from Chief Jorge R. Colina, Director, Department of Police, requesting an extension of probationary period of Cindy Francois, Emergency Dispatcher Assistant, for six (6) additional months beyond November 26, 2019. (DISCUSSION)

Following appearances by the employee and Qiana Sanders-Bell, Personnel Manager, Department of Police, the Board entered a motion to GRANT the extension as requested, 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, Dames, Cabrera, Garcia, Jackson, Jr.

C. Military Leaves of Absence

D. Disciplinary Matters

E. General Items

E.1 Copy of a Judgment from Emilio T. Gonzalez, City Manager, concerning the Appeal hearing on behalf of Adrian Cabello, Police Officer, relative to his 100-hour suspension, effective November 12, 2018. (NOTIFICATION). Hearing will be closed and removed from the Board's docket.

- E.2 Copy of a Judgment from Emilio T. Gonzalez, City Manager, concerning the Appeal hearing on behalf of Eduardo Barreto, Electrical Inspector, relative to his 3-day suspension, effective May 9, 2018. (NOTIFICATION). Hearing will be closed and removed from the Board's docket.
- E.3 Copy of a Judgment from Emilio T. Gonzalez, City Manager, concerning the Grievance hearing on behalf of Jeovanny Herbelo, Police Officer, relative to the 2017 examination process for Police Lieutenant. (NOTIFICATION). Hearing will be closed and removed from the Board's docket.
- E.4 Copy of a Judgment from Emilio T. Gonzalez, City Manager, concerning the Appeal hearing on behalf of Shonton Harris, former Police Officer, relative to her termination, effective November 16, 2018. (NOTIFICATION). Hearing will be closed and removed from the Board's docket.
- E.5 Copy of a Judgment from Emilio T. Gonzalez, City Manager, concerning the Appeal hearing on behalf of Clinton C. Jean-Pierre, former Waste Collector, relative to his termination, effective September 28, 2018. (NOTIFICATION). Hearing will be closed and removed from the Board's docket.
- E.6 Copy of a Request to Continue from Osnat K. Rind, Attorney, concerning the Investigation hearing of David Delgado, Maintenance Mechanic, pursuant to Civil Service Rule 16.1- Investigation by the Board as it relates to the alleged violation of Civil Service Rule 6.3- Contents of Examination, 6.5- Method of Rating, Civil Service Rules 14.2(k)- Incompetent, Negligent or Inefficient, and 14.2(l)- Careless or Negligent, concerning the examination process for 2019 Firefighter's examination process. Assistant City Attorney Ferguson expressed no objection to the request. (DISCUSSION)

The Board considered a motion to GRANT the continuance as requested, 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, Dames, Cabrera, Garcia, Jackson, Jr.

- E.7 Copy of a Notice of Withdrawal of Counsel from Teri Guttman-Valdes, Attorney, concerning the matter of Javier Herbelo, Police Officer. (CSB#19-03G). (NOTIFICATION)

F. Reports

- F.1 Hearings Pending List as of December 10, 2019. (NOTIFICATION)

ACA Ferguson reminded the Board of its' December 17, 2019 meeting scheduled. She advised she had several witnesses to call and so does Mr. Mays; however, some of them are not available due to the holidays approaching and the hearing will not conclude on Tuesday. She went on to say, the hearing may very well continue sometime next year. The Executive Secretary reiterated that the meeting was scheduled for next week, as Christmas would fall on the Board's regular two-week meeting interval. She reminded the Board that they are free to cancel the meeting, should they choose to do so. Following discussion, a motion to CANCEL the regular meeting of December 17, 2019 resulted as follows:

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

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

G. Requests for Hearings

H. Today's Hearings

- H.1 Hearing of Appeal on behalf of Xiao-Wen Michelle Choi, Principal Staff Analyst, concerning her demotion, effective November 14, 2017. Continued from the meeting of October 7, 2019.

The Board continued with the continuation of the scheduled Appeal hearing on behalf of Xio-Wen Michelle Choi, Principal Staff Analyst, concerning her demotion, effective November 14, 2017. The charging document was placed in the official record.

The hearing began October 7, 2019, and continued December 10, 2019. The matter recessed and reconvened December 11, 2019.

The Appellant was represented by Charles Mays, Attorney, Charles Mays, P.A. The Miami Police Department was represented by Adanna Ferguson, Assistant City

Attorney, Office of the City Attorney.

Adanna Ferguson, Assistant City Attorney provided opening statements. Attorney Mays provided opening statements. Exhibits were introduced and entered into evidence.

Witnesses testifying at the request of the Department appeared in the following order:

1. Ronald Papier, Deputy Chief, City of Miami Police Department. Questions were posed by Members Jackson, Dames and Sutton.
2. Armando Aguilar, Police Major, City of Miami Police Department. Questions were posed by Members Jackson, Dames and Sutton.

Following a break and discussion, at 2:30 PM a motion was entered to RECESS the hearing for the day and reconvene tomorrow, 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, Dames, Cabrera, Garcia, Jackson, Jr.

The meeting reconvened December 11, 2019 at 9:30 AM, with the continuation of the scheduled Appeal hearing on behalf of Xio-Wen Michelle Choi, Principal Staff Analyst, concerning her demotion, effective November 14, 2017.

Following discussion between the attorneys and by the Board, a motion was entered to SUSPEND the hearing, pending possible settlement, 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, Dames, Cabrera, Garcia, Jackson, Jr.

In accordance with the Board's Continuance Policy, a settlement agreement is expected within the next 30 days, or the hearing will be rescheduled.

ADJOURNMENT:

Breaks were taken at: 10:50 AM-11:30 AM; 2:38 PM-2:49 PM; 3:57 PM-4:10 PM

Lunch: 12:40 PM-1:42 PM; Recessed: 5:08 PM; Reconvened: 12/11/19, 9:30 AM.

There being no further business before the Board, a motion was entered to ADJOURN the meeting at 10:15 AM, 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, Dames, Cabrera, Garcia, Jackson, Jr.

SIGNATURE:

Troy Sutton, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary