

**City of Miami**

3500 Pan American Drive  
Miami, FL 33133

**Meeting Minutes**

**Tuesday, September 19, 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 10:19 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	Remote
Rodrigo Jimenez	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 was not present in person; however, appeared via remote. Without objection, Chief Examiner Jimenez passed the gavel to Member Jackson who served as Chair for the meeting. Chair Jackson 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 Jimenez, that this matter be Approved, passed by the following vote:**

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

**A. APPROVING OF THE MINUTES**

**A.1** Civil Service Board - Regular Meeting - September 5, 2023

**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, Jackson, Jr.

**B. PERSONNEL MATTERS**

**C. MILITARY LEAVES OF ABSENCE**

**C.1** Matthew Conway, Firefighter, requests Active Duty Military Leave without pay from September 5, 2023 through September 30, 2023. Copy of Orders submitted. (DISCUSSION)

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

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

**C.2** Marvin J. Bravo, Police Lieutenant, requests Active Duty Military Leave without pay from August 29, 2023 to September 1, 2023, and a re-employment as Police Lieutenant. Copy of Orders and memorandum from the Department of Military Affairs submitted. (NOTIFICATION)

**C.3** Ryan Decker, Police Officer, requests Active Duty Military Leave without pay from August 29, 2023 to September 1, 2023, and a request for re-employment as Police Officer. Copy of Orders and memorandum from the Department of Military Affairs submitted. (NOTIFICATION)

**C.4** Roselyn Paz, Police Officer, requests re-employment as a Police Officer following her return from Military leave on August 15, 2023. Copy of her DD214 from the Army submitted. (DISCUSSION)

**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, Jackson, Jr.

D. DISCIPLINARY MATTERS

- D.1** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Michael Aguilera, Police Officer, of a 10-hour suspension, effective September 16, 2023. (NOTIFICATION)

E. GENERAL ITEMS

- E.1** Status update concerning the Hearing Appeal on behalf of Rodolfo Diaz, Police Officer, relative to his 220-hour suspension, effective October 10, 2022. (DISCUSSION)

*ACA Ferguson advised the Board that as of today's date, she does not have a copy of the executed agreement; however, upon receipt she will have a copy of the settlement agreement forwarded to the Civil Service Board Office.*

*The Executive Secretary advised the Board this matter will be rescheduled in accordance with the continuance policy.*

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

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

- E.2** A copy of a "Motion to Recuse Chair Sutton and Board Member Jackson" from Stephanie Panoff, Sr. Assistant City Attorney, City Attorney's Office, concerning the Grievance Hearings relative to the 2022 Police Lieutenant Promotional Exam. Hearings scheduled for today. (DISCUSSION)

*Stephanie Panoff, Sr. Assistant City Attorney appeared before the Board and explained her request for the "City of Miami's Motion for Recusal of Two (2) Board Members.*

*Member Cabrera expressed that he strongly opposed the request to recuse his fellow colleagues from today's hearing. He went on to say he believed if they had a conflict, they would voluntarily recuse themselves. He remarked that he has the upmost respect for their character and combined has more than 30 years of experience and dedication to the City of Miami.*

*Special Counsel Clyne added that he spoke with both Board Members, and both have stated they can be neutral and impartial. He went on to say, that he didn't think the statements that were made on September 5, 2023, by the Board members in question, do not indicate they prejudged the matter.*

*Chair Sutton and Member Jackson were asked directly by Special Counsel if they can make an impartial decision, and each responded in the affirmative and expressed for the record they will not be recusing themselves.*

*Following further discussion, the Board voted to DENY the motion, which resulted as follows:*

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

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

F. REPORTS

- F.1** Hearings Pending List as of September 19, 2023. (NOTIFICATION)

G. REQUESTS FOR HEARINGS

H. TODAY'S HEARINGS

- H.1** *Grievance Hearing on behalf of Lizlinda Bremer, et. al. Police Sergeants, pursuant to Civil Service Rules 6.3-Contents of Examination; 6.5-Method of Rating; 6.6- Rating of Examination Results, and 6.7-Seniority, in reference to the 2022 Police Lieutenant Promotional Exam.*

*Attorney Eugene Gibbons, Fraternal Order of Police, appeared on behalf of Lizlinda Bremer, Surami Kelly, Ariel Perez, and David Bernat (CSB #22-30G-A), Police Sergeants, ("Bremer, et al."), and Attorney Teri Guttman-Valdes appeared on behalf of Maximiliano Valdes, Raul Delgado, and Robert Perez, (CSB #22-30G-B), Police Sergeants, (Valdes, et al.), as it relates to the 2022 Police Lieutenant Promotional Examination.*

*Adanna Ferguson, Assistant City Attorney, appeared on behalf of the Department of Human Resources.*

*Prior to the start of the Hearing, Attorney Gibbons requested to consolidate both cases. ACA Ferguson expressed no objection. Attorney Gibbons went on to explain to the Board that per his request, subpoenas were issued; however, he did not see his witnesses and received notification that the Director of Human Resources is unavailable. Member Cabrera wanted to put on record that he recalled a similar situation that was brought to the Board's attention when employees were summoned to appear and the subpoena was not served; however, in this case the witness is unavailable. He went on to say when City of Miami employees are summoned to appear, they need*

to show up. He asked the Chair to take a break to see if the Director of Human Resources could appear via Zoom. Special Counsel opined the Grievants have a right for due process.

**Day 1: September 19, 2023**

Following a break, the Board entered the Grievance Hearing on behalf of Lizlinda Bremer, et. al. and Valdes, et al., Police Sergeants, pursuant to Civil Service Rules 6.3-Contents of Examination; 6.5-Method of Rating; 6.6-Rating of Examination Results, 6.7-Seniority, and 6.3-Contents of Examination; 6.5-Method of Rating; 6.6- Rating of Examination Results, and 6.7-Seniority.

The Rule of Witnesses was invoked, and witnesses were cautioned not to discuss their testimony with anyone. Opening statements were provided by Eugene Gibbons, Attorney.

The hearing began today with presentation of the Grievant's case in chief, and due to other hearings taking place at the next meeting, this matter will be continued at the regular meeting of the Civil Service Board on October 17, 2023. The Board heard testimony from the Grievant's witnesses, appearing in the following order:

1. *Angela Roberts, Director, City of Miami Department of Human Resources. Questions were posed by Members Cabrera, Jackson, Sutton, and Jimenez.*

2. *Eyran Kraus, Testing and Validation Supervisor, City of Miami Department of Human Resources.*

*Due to time constraints, the testimony of Eyran Kraus, Testing and Validation Supervisor, will continue at the regular meeting of October 17, 2023.*

*During Member Cabrera's questioning of Witness Kraus, he was asked to submit to the Civil Service Board Office the contact information of the representative from Talogy Testing Company and the subject matter expert in the Miami Police Department he communicated with, so that they could be subpoenaed for the hearing.*

***The Minutes from this hearing will be placed in the Minutes, in their entirety, upon conclusion of the hearing.***

**H.2** Grievance Hearing on behalf of Maximiliano Valdes, Raul Delgado & Robert Perez, Police Sergeants, pursuant to Civil Service Rules 6.3-Contents of Examination; 6.5-Method of Rating; 6.6- Rating of Examination Results, and 6.7-Seniority, in reference to the 2022 Police Lieutenant Promotional Exam.

Refer to item H.1

**ADJOURNMENT:**

*Breaks were taken at: 11:15am – 11:45am; lunch 1:15pm – 1:55pm.*

*There being no further business before the Board, a motion was entered to recess the hearing and adjourn the meeting at 4:47 pm, which resulted as follows:*

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

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

**SIGNATURE:** \_\_\_\_\_

**Troy Sutton, Board Chairperson**

**ATTEST:** \_\_\_\_\_

**Tishria L. Mindingall, Executive Secretary**