

**City of Miami**

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

**Meeting Minutes**

**Tuesday, March 19, 2024**  
**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 10:12 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
Wilbur M. Jackson, Jr.	Board Member	Excused

**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 Garcia, that this matter be Approved, passed by the following vote:**

**AYES:** Sutton, Jimenez, Cabrera, Garcia

**A. Approving of the Minutes**

**A.1** Civil Service Board - Regular Meeting - March 5, 2024 10:00 AM

**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,

**B. Personnel Matters**

**B.1** Request from Anna-Kay James, former Emergency Dispatch Assistant, Department of Police, to be placed on the re-employment list for the classification of Emergency Dispatch Assistant, pursuant to Civil Service Rule 12, Sec. 12.4, Resignations. (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,

**B.2** Copy of a memorandum from Asael Marrero, Director, Building Department, requesting an extension of probationary period of William Suau, Mechanical Inspector, for six (6) additional months beyond March 27, 2024. (DISCUSSION)

Mr. Suau and Asael Marrero, Director, Department of Building, appeared before the Board. Chair Sutton asked the employee if he understood and agreed with the request. Mr. Suau responded in the affirmative. Director Marrero advised the Board that the employee recently passed a portion of the exam and is scheduled to take the final portion within a few months. He added that should Mr. Suau pass the exam, he will be made permanent prior to the end of the extension.

**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

**C. Military Leaves of Absence**

**C.1** Johnny Fonseca, Police Officer, requests fourth extension of Active Duty Military Leave without pay from April 1, 2024 through September 30, 2024. Copy of Orders extending leave 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

**D. Disciplinary Matters**

- D.1** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Justin Cepero, Police Officer, of a 10-hour forfeiture, effective March 5, 2024. (NOTIFICATION)
- D.2** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Deontay Parker, Police Officer, of a 10-hour suspension, effective March 12, 2024. (NOTIFICATION)
- D.3** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Deontay Parker, Police Officer, of a 20-hour suspension, effective March 13, 2024. (NOTIFICATION)

**E. General Items**

- E.1** Proposed Amendment adding Civil Service Rule and Regulation Section 16.3- Whistleblower. (DISCUSSION)

Special Clyne advised the Board of his proposed amendment adding Civil Service Rule 16.3 to the Civil Service Rules and Regulations pursuant to the Board's request. ACA Preston-O'Neil expressed an objection to the proposed amendment. Following discussion, the Board agreed to table this item to the meeting of April 16, 2024.

**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

- E.2** Petition for Writ of Certiorari in the Eleventh Judicial Circuit Court of Appeal seeking review of a Final Judgment by the City Manager, City of Miami, concerning the matter of City of Miami vs Xiao-Wen Michelle Choi, Principal Staff Analyst, concerning to her Demotion, effective November 14, 2017. (NOTIFICATION)

**F. Reports**

- F.1** Hearings Pending List as of March 19, 2024. (NOTIFICATION)

Member Cabrera brought the Board's attention to the meeting of April 2, 2024, noting that no hearings were scheduled and made a motion to cancel the meeting. Following discussion, the Board made a motion to cancel the regular Civil Service Board meeting of April 2, 2024, 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

**G. Requests for Hearings**

**H. Today's Hearings**

- H.1** Hearing Appeal on behalf of Nicole Tyler, former Police Officer, concerning her Termination, effective February 5, 2020.

ACA Preston-O'Neil requested a continuance and reset to a date certain to a future meeting due to another hearing scheduled by the Board. Attorney Riback and Nicole Tyler, former Police Officer, appeared via Zoom and expressed no objection to the continuance request; however, wished to have a date certain as well. Following discussion, the Board made a motion to grant a Board's continuance and reschedule the appeal hearing of Nicole Tyler, former Police Officer, to May 28, 2024, 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

- H.2** Hearing Appeal on behalf of Andre F. Perez, Senior Building Inspector, concerning his 3-day suspension, effective August 22, 2023.

The Chairman called for the hearing of Andre F. Perez, Senior Building Inspector, concerning his 3-day suspension, effective August 22, 2024.

The Board entered into the scheduled Appeal hearing of Andre F. Perez, Senior Building Inspector. The Appellant was represented by Attorney Robert Pelier, of Robert Pelier, PA. The Building Department was represented by Jazmine Preston-O'Neil, Assistant City Attorney, Office of the City Attorney.

Chair Sutton asked if the parties wished to take a break prior to the start of the hearing to see if an amicable resolution could be reached prior to continuing the hearing. The parties responded in the affirmative. Upon return from break, ACA Preston O'Neil advised the Board that the parties were unable to reach an agreement, to which Attorney Pelier concurred.

Both ACA Preston O'Neil and Attorney Pelier provided opening statements. Attorney Pelier invoked the rule of witnesses.

The following witnesses appeared at the request of the Department, were sworn in and provided testimony:

1. Luis Torres III, Assistant Director/Building Official, Building Department. Questions and comments were posed by Chair Sutton.

2. Asael Marrero, Director, Building Department. Questions and comments were posed by Chair Sutton.

The Department rested.

The following witness appeared at the request of the employee, were sworn in and provided testimony:

3. Paula Osborne-Vasquez, Administrative Assistant II, Building Department. Questions and comments were posed by Chair Sutton.

4. Andre Perez, Senior Building Inspector, Building Department. Questions and concerns were posed Member Garcia, Member Cabrera

Attorney Pelier asked that the subpoenas served at his request remain in effect, so that those persons could return when the hearing was continued. The Board proceeded to enter into review of the testimony and exhibits.

Due to the lateness of the day, the Chair announced that continuation of the hearing will be scheduled for a Special meeting on Monday April 8, 2024.

**ADJOURNMENT:**

Breaks were taken at: 12:40am – 1:30am (lunch); 2:20pm – 2:25pm

There being no further business before the Board, a motion was entered to adjourn the meeting at 3:45pm, 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

**SIGNATURE: Troy Sutton, Chairperson**

**ATTEST: Tishria L. Mindingall, Executive Secretary**