

City of Miami

3500 Pan American Drive

Miami, FL 33133

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Meeting Minutes

Tuesday, September 05, 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 10:18 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 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, Jimenez, Cabrera, Garcia, Lindsey

A. APPROVING OF THE MINUTES

A.1 Civil Service Board - Regular Meeting - August 8, 2023 10:00 AM

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.

B. PERSONNEL MATTERS

C. MILITARY LEAVES OF ABSENCE

C.1 Joaquin A. Freire, Commander, requests Active Duty Training Leave without pay from July 31, 2023 through August 18, 2023. Copy of Orders submitted. (NOTIFICATION)

C.2 Joshua Lara, Police Officer, requests re-employment as a Police Officer, following his return from Active-Duty Military Leave. Discharge documentation from the Army confirmed. (DISCUSSION)

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

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

C.3 Sandy Cabana, Police Sergeant, requests re-employment as a Police Sergeant following her return from Active Duty Military Leave. Copy of her DD214 from the Air Force indicating an Honorable Discharge submitted. (DISCUSSION)

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

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

C.4 Matthew Conway, Firefighter, requests re-employment as a Firefighter, following his return from Active Duty Military Leave. Copy of memorandum from the Army, indicating Honorable Discharge submitted. (DISCUSSION)

Motion by Board Member Jackson, Jr., 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 Lizlinda Bremer, Police Sergeant, of a 20-hour suspension, effective August 20, 2023. (NOTIFICATION)

D.2 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Lizlinda Bremer, Police Sergeant, of a 10-hour suspension, effective September 27, 2023. (NOTIFICATION)

D.3 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying March'e Curry, Police Officer, of a 10-hour suspension, effective January 29, 2023. (NOTIFICATION)

D.4 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 September 2, 2023. (NOTIFICATION)

D.5 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Jonathan Felix, Police Officer, of a 10-hour suspension, effective August 24, 2023. (NOTIFICATION)

D.6 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Raymon Washington, Police Officer, of a 10-hour forfeiture, effective August 23, 2023. (NOTIFICATION)

E. GENERAL ITEMS

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

Charles C. Mays, Attorney, appeared before the Board expressing an objection to the Findings of Fact. Adanna Ferguson, Assistant City Attorney, appeared on behalf of the Department. ACA Ferguson reminded the Board, this matter was concluded at Civil Service and went to court. She requested the Board to refer to the "Opinion" submitted by the Clerk of Courts.

ACA Ferguson suggested incorporating the Court's opinion into the Findings of Fact; however, Attorney Mays disagrees with the actual Findings. Chair Sutton advised Attorney Mays the Findings are what the Board found. He asked the parties if they wanted to take a break to see if an amicable resolution could be reached. The parties responded in the affirmative.

Upon returning from break, Attorney Mays advised the Board that the parties agree to attach a copy of the Court's Opinion to the Findings of Fact. ACA Ferguson suggested incorporating the language in the Findings of Fact. Following discussion, Member Jackson made a motion to APPROVE the amended Findings of Fact by incorporating (by reference) the court's "Opinion" and attached a copy to the Findings of Fact presented by Special Counsel, 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, Jimenez, Cabrera, Garcia, Jackson, Jr.

The Appellant having been found guilty, the Board entered a motion to SUSTAIN the demotion, which resulted as follows:

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

AYES: Sutton, Cabrera

NOES: Jimenez

* Member Garcia and Jackson was not present for the Hearing.

E.2

Findings of Fact concerning the 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. (DISCUSSION)

Assistant City Attorney Stephanie Panoff appeared via Zoom and advised she had no issues with the substance of the Findings of Fact; however, the document contained typographical errors and incorrect dates. A corrected copy was provided to the Board and Matthew Sarelson, Attorney via email. Seeing no one present on behalf of Heather Morris, former Deputy Chief of Police, Chair Sutton asked the Executive Secretary if Attorney Sarelson was properly noticed. She responded in the affirmative. Special Counsel advised he had no issues with the corrections.

Following discussion, the Board entered a motion to APPROVE the Findings of Fact as presented, which resulted as follows:

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

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

E.3 Copy of a request to continue from Adanna Ferguson, Senior Assistant City Attorney, concerning the Appeal Hearing of David Flanders, Police Officer, as it relates to his 40-hour suspension, effective May 22, 2022, (CSB#22-16D). Eugene Gibbons, Attorney, expressed no objection to the request. (DISCUSSION) Hearing is scheduled for today.

Adanna Ferguson, Assistant City Attorney, appeared before the Board to request a continuance concerning the appeal hearing of David Flanders, Police Officer. Eugene Gibbons, Attorney, appeared via Zoom and expressed no objection to the request. Following discussion, the Board entered a motion to GRANT a continuance, 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, Jimenez, Cabrera, Garcia, Jackson, Jr.

E.4 Copy of a request to continue from Jazmine Preston-O'Neill, Assistant City Attorney, concerning the Appeal Hearing of Weslyne Lewis Francois, Police Lieutenant, as it relates to her 10-hour suspension, effective January 10, 2023, (CSB#23-01D). Griska Mena, Attorney, expressed no objection to the request. (DISCUSSION) Hearing is scheduled for September 12, 2023.

Adanna Ferguson, Assistant City Attorney, appeared in ACA Preston-O'Neill absence to request a continuance. A notification was sent advising ACA Preston-O'Neill will be in trial the week of September 12, 2023. Griska Mena, Attorney, appeared via Zoom and expressed no objection to the request. Attorney Mena request the Board to reschedule the matter sometime before 2024. The Executive Secretary advised the Board that cases are currently scheduled up until June 2024. Following discussion, the Board entered a motion to GRANT a continuance, 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, Jimenez, Cabrera, Garcia, Jackson, Jr.

E.5 Copy of a memorandum from Chief of Police Manuel A. Morales, Department of Police, rescinding Jorge Loo, Police Officer, 10-hour suspension to reprimand. (NOTIFICATION)

E.6 Copy of Motion to Dismiss Sandy Dorsainvil, former Cultural Arts Center Manager, her 5-day suspension, effective May 10, 2022, Appeal Hearing. (DISCUSSION)

Adanna Ferguson, Assistant City Attorney, appeared and requested this matter be dismissed in accordance with Civil Service Rule 14.6 Resignation Before Appeal. She explained, Ms. Dorsainvil submitted a verbal resignation, and it was accepted by the Department. Chair Sutton asked if Ms. Dorsainvil desires to move forward with her hearing. The Executive Secretary indicated Ms. Dorsainvil was advised of the Motion to Dismiss.

Following discussion, the Board entered a motion to Grant the Motion to Dismiss with prejudice, 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, Jimenez, Cabrera, Garcia, Jackson, Jr.

E.7 Copy of a Waiver from Stephanie K. Panoff, Chief of Labor and Employment Division, on behalf of the City of Miami, concerning the Grievance Hearing of Lizlinda Bremer, et. al., 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. (DISCUSSION)

The Executive Secretary advised the Board and Special Counsel, the Waiver before the Board pertains to Civil Service Board case no. 22-30G-A and 22-30G-B. Eugene Gibbons, Attorney, appeared on behalf of the Grievants listed in Civil Service Board case no. 22-30G-A and Terri Guttman-Valdes, Attorney appeared on behalf of the Grievants listed in Civil Service Board case no. 22-30G-B.

Stephanie K. Panoff, Attorney, explained her reason for the Waiver is to request the Board to Waive its' requirement and allow the grievants to go straight to court. She went on to explain her goal is to have the employees receive a "speedy" resolution. Attorney Gibbons expressed an objection. He went on to explain the Board was designed to conduct administrative hearings and the Assistant City Attorney's have argued that issue in the past. Special Counsel opined that employees have a right to come before the Board and should not be forced to go to court.

Member Jackson expressed he will not be voting in favor of the Waiver.

Following discussion, the Board entered a Motion to Deny the Waiver, 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, Jimenez, Cabrera, Garcia, Jackson, Jr.

Having had the Waiver denied, ACA Panoff went on to ask the parties to be ready to move forward on September 19, 2023. Attorney Guttman-Valdes advised she will need more than one day. Attorney Gibbons indicated he thinks it may be an issue having the City witnesses appear. The parties advised they are available on October 17, 2023, as well. Following discussion, everyone agreed with moving forward on the scheduled hearing date of September 19, 2023 and continue on October 17, 2023.

Motion by Board Member Jackson, Jr., seconded by Board Member Cabrera, 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 5, 2023. (NOTIFICATION)

F.2 Revised Civil Service Board 2023 Calendar. (DISCUSSION)

Board Member Cabrera discussed the meeting calendar, noting no hearings are scheduled for September 12, 2023; therefore, he asked to cancel the meeting. Following discussion, a motion was made to CANCEL the meeting of September 12, 2023, which 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.

Member Cabrera also asked the Board to consider cancelling the meeting of December 26, 2023. Following discussion, a motion was made to CANCEL the meeting of December 26, 2023, which resulted as follows:

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

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

G. REQUESTS FOR HEARINGS

H. TODAY'S HEARINGS

H.1 Appeal Hearing on behalf of David Flanders, Police Officer, concerning his 40-hour suspension, effective May 22, 2022.

H.2 Appeal Hearing on behalf of Marquise Williams, Police Officer, concerning his 10-hour suspension, effective October 15, 2022.

A request to continue was submitted by Attorney Gibbons, requesting a continuance in this matter. ACA Ferguson expressed no objection. Following discussion, a motion was made to CONTINUE, which resulted as follows:

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

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

ADJOURNMENT:

Breaks were taken at: 10:47 am – 10:58 am

There being no further business before the Board, a motion was entered to adjourn the meeting at 1:05 pm, which resulted as follows:

Motion by Board Member Garcia, 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