

City of Miami

3500 Pan American Drive
Miami, FL 33133
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Meeting Minutes

Tuesday, June 14, 2022

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 10:21 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 Jimenez, 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 - May 17, 2022

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

B. Personnel Matters

B.1 Copy of a memorandum from Angela Roberts, Director, Human Resources Department, notifying Shane Sutton, Police Officer, of his return to former classification. Shane Sutton is being rolled back to Ocean Rescue Lifeguard. (NOTIFICATION)

B.2 Request from Anastassia Garcia-Schubert, Planning Technician, Planning Department, to be placed on the re-employment list for the classification of Planning Technician, pursuant to Civil Service Rule 12, Sec. 12.4, Resignations. (DISCUSSION)

The Executive Secretary advised the Board that in accordance with the Rule, whenever a classified employee resigns in good standing, with the endorsement of the department director, they may submit a request to the Board to have their name placed on the reemployment list. Following discussion by the Board, a motion was made to APPROVE the request, which resulted as follows:

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. Military Leaves of Absence

C.1 Raweewan Andrews, GIS Data Specialist, requests Military Leave without pay from June 11, 2022, through September 20, 2022. 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 of Police Manuel A. Morales, Department of Police, notifying Tyrone Watson, Police Officer, of a 40-hour suspension, effective June 11, 2022. (NOTIFICATION)
- D.2** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Damian Hernandez, Police Officer, of an 80-hour suspension, effective June 18, 2022. (NOTIFICATION)
- D.3** Copy of a letter from Chief Joseph F. Zahralban, Director, Department of Fire Rescue, notifying Andy Figueredo, Fire Lieutenant, of a 24-hour suspension, effective June 11, 2022. (NOTIFICATION).

E. General Items

- E.1** Notice of Withdrawal from Richard Rosell, Senior Ocean Rescue Lifeguard, concerning his Appeal hearing relative to his 2-day suspension, effective April 23, 2022. (NOTIFICATION)

Case will be considered withdrawn and removed from the Board's docket.
- E.2** Copy of a request to continue from Adanna Ferguson, Assistant City Attorney, concerning the Appeal hearing and Whistleblower hearing in accordance with Florida Statute 112.3187 of Alfredo Matias, former Police Officer, as it relates to his Termination, effective January 27, 2022 (CSB#22-05D). (DISCUSSION)

Hearings are scheduled for today.

The Board received a Request for a Continuance for the meeting of May 31, 2022; however, the meeting was canceled. Stephanie Panoff, Assistant City Attorney, appeared on behalf of the Department. Michael Braverman, Attorney, appeared on behalf of Alfredo Matias in his Appeal, and expressed no objection to the City's request for a continuance. Following discussion, the Board made a motion to GRANT the continuance, which resulted as follows:

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, Lindsey

- E.3** Copy of a Settlement Agreement between the City of Miami and Maria Busto, Marina Manager, concerning her Appeal Hearing, relative to her 10-day suspension, effective July 27, 2021. (CSB#21-12D). (NOTIFICATION)

Hearing of Appeal will be closed and removed from the Board's docket.

F. Reports

- F.1** Hearings Pending List as of June 14, 2022. (NOTIFICATION)

G. Requests for Hearings

- G.1** Copy of a request for an Investigation hearing from Libby Herrera-Navarrete, Attorney, on behalf of Marcos Fernandez, Joel Fernandez, Amanda Dominguez, Shane Sutton, Raul Hernandez, Lucas Vallee and Rigoberto Duque, Parks and Recreations Department employees, pursuant to Civil Service Rule 16.1 - Investigation by the Board, 16.2 - Complaint by Employee, regarding an Abuse of Power of Richard Rosell, Senior Ocean Rescue Lifeguard, and alleged violation of Civil Service Rule 14.2 (d), (e), (h), (i), (k), (r) and (u). (DISCUSSION)

Libby Herrera-Navarrete, Attorney, appeared virtually on behalf of Marcos Fernandez, Joel

Fernandez, Amanda Dominguez, Shane Sutton, Raul Hernandez, Lucas Vallee and Rigoberto Duque, Parks and Recreation Department employees stating her clients' reasons for requesting a hearing before the Board.

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

AYES: Jimenez, Cabrera, Garcia, Lindsey
RECUSED: Sutton

H. Today's Hearings

H.1 Appeal Hearing and Whistleblower Hearing in accordance with Florida Statute 112.3187 on behalf of Alfredo Matias, former Police Officer concerning his Termination, effective January 27, 2022.

This hearing was continued at today's meeting.

H.2 Appeal Hearing on behalf of Travis Lindsey, Police Sergeant, concerning an 80-hour suspension, effective December 21, 2021.

Prior to the start of the hearing, Special Counsel provided the Board with a memo concerning "Conflict of Interest," which concluded that there is no "Conflict" with the Board holding the Appeal hearing of one of its members.

The Board entered into the scheduled Appeal Hearing on behalf of Travis Lindsey, Police Sergeant. The Appellant was represented by Eugene Gibbons, Attorney, Buschel and Gibbons, P.A. The Miami Police Department was represented by Stephanie Panoff, Assistant City Attorney, Office of the City Attorney.

Chair Sutton asked each side for the number of witnesses they would call, in an effort to determine how much time would be needed for chambers today. The Rule of Witnesses was invoked, and witnesses were advised to step out of the chambers and to not view the meeting, nor discuss their testimony with anyone.

ACA Panoff provided openings statements. Opening statements were deferred by Appellant. Witnesses testifying at the request of the Department appeared in the following order:

1. Armando Aguilar, Assistant Chief of Police, Miami Police Department. Questions

were posed by Members Cabrera, Jimenez, Garcia and Sutton.

The Department rested.

Chair Sutton asked the parties if they wanted to take a break to see if an amicable resolution can be reached. The parties responded in the affirmative.

Upon return from break, ACA Panoff advised the Board that the parties reached a tentative resolution, and the agreement will be drafted and sent to Attorney Gibbons. She advised that once finalized, a copy of the executed agreement will be forwarded to the Civil Service Board Office.

Following discussion, the Board entered a motion to GRANT a joint continuance pending settlement, 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, Lindsey

ADJOURNMENT:

Breaks were taken at: 11:07 am – 11:15 am; and 11:55 am – 12:31 pm.

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 Cabrera, seconded by Board Member Garcia, 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