

**City of Miami**

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

**Meeting Minutes**

**Tuesday, November 15, 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**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
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**

**A. Approving of the Minutes**

A.1 Civil Service Board - Regular Meeting - November 1, 2022, 10:00 AM

**Motion by Board Member Lindsey, seconded by Board Member Jimenez, 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 Jacqueline Ellis, Chief of Land Development, of her voluntary return to former classification. Jacqueline Ellis is returning to Planner II. (NOTIFICATION)

**C. Military Leaves of Absence**

C.1 Johnny Fonseca, Police Officer, requests extension of Active-Duty Military Leave without pay from December 13, 2022 through December 13, 2023. Copy of Orders extending leave submitted. (DISCUSSION)

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

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

C.2 Enrique Acosta, Firefighter, requests re-employment as a Firefighter, following his return from Active-Duty Military Leave. Copy of a memorandum from the Air Force, indicating Honorable Discharge 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

C.3 Matthew Conway, Firefighter, requests Active-Duty Military Leave without pay from November 9, 2022, through November 11, 2022. Copy of memorandum 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 Brandon Manning, Police Officer, of a 20-hour suspension, effective November 4, 2022.

(NOTIFICATION)

**D.2** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Brandon Manning, Police Officer, of a 20-hour suspension, effective November 11, 2022.

(NOTIFICATION)

**D.3** Copy of a letter from Chief Joseph F. Zahralban, Director, Department of Fire Rescue, notifying Christopher Rousseau, Fire Lieutenant, of a 24-hour suspension, effective September 15, 2022. (NOTIFICATION).

## **E. General Items**

## **F. Reports**

**F.1** Hearings Pending List as of November 15, 2022. (NOTIFICATION)

Member Cabrera made a motion to cancel the meeting of November 29, 2022, which resulted as follows:

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

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

## **G. Requests for Hearings**

**G.1** Copy of a request for a Grievance hearing (Rule 16.2) from Odney Belfort, Police Sergeant, pursuant to Civil Service Rule 8.4 - *Certification from Promotional Competitive Registers* and 8.5 - *Certification from Noncompetitive Registers*, in reference to the 2022 Police Lieutenant Promotional Exam. (DISCUSSION)

Odney Belfort, Police Sergeant, appeared before the Board and confirmed his request for a hearing. Sergeant Belfort went on to explain that he was on a promotion list in the number 2 spot and was congratulated and called into the Chief's office to pick up his uniform only to be told that it was a mistake, and that he was not being promoted, yet. He further advised that no one from the Department of Human Resources, Testing and Validation Division provided him with the breakdown of his score.

Member Cabrera requested clarification as to why there is an asterisk next to Sgt. Belfort's name, and on the bottom of the "2022 City of Miami Police Lieutenant Promotional Exam Final List" it indicates "Designated to receive preference-eligible Veteran points and placed on top of the register in accordance with Florida State Statute 295 and Florida Administrative Code 55A-7." He went on to say the word "and" means something and wanted to know what the past practice was. Member Cabrera requested copies of every promotional Eligible Register and the order in which the employee was promoted as it relates to DV30 veteran preference.

Special Counsel Clyne made note of the Florida Administrative Code indicating the employee will be placed at the top of the list; therefore, he recommends that he be afforded a hearing.

Member Lindsey requested that a hearing be granted, and that it be set for February 7, 2022, or sooner.

Chair Sutton stated there is no transparency in the process and every employee that takes a promotional exam should understand their score.

The Board also requested the appearance of the Veteran's Preference Coordinator with Florida Department of Veterans' Affairs, whenever the hearing takes place.

Following discussion, the Board made a motion to GRANT the request for hearing, which resulted as follows:

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

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

**G.2** Copy of a letter from Osnat K. Rind, Attorney, on behalf of Christina Labrada, Human Resources Technician I, requesting a Transfer to another Department as an Administrative Aide I, pursuant to Civil Service Rule 11.1 - Interdepartmental Transfers. (DISCUSSION)

Osnat K. Rind, Attorney, appeared on behalf of Kristina Labrada, Human Resources Technician I, Department of Human Resources, for the Board to authorize her transfer to a classification in the same salary range, in accordance with Civil Service Rule 11.1 - Interdepartmental Transfers.

Following discussion, the Board entered a motion to authorize the transfer of Ms. Labrada from HR Tech 1 to a vacant Administrative Aide I classification, preferably in the Department of Management & Budget, as requested, which resulted as follows:

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

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

## **H. Today's Hearings**

**H.1** Continuation of the Appeal Hearing of Alfredo Matias, former Police Officer, concerning his Termination, effective January 27, 2022.

**NOTE: This hearing began September 6, 2022, continued September 20, 2022 and concluded November 15, 2022. The minutes below include the hearing minutes in its entirety.**

The Board entered into the scheduled Appeal hearing of Alfredo Matias, Police Officer. The Appellant was represented by Michael Braverman, Attorney, Michael

Braverman, PA. The Miami Police Department was represented by Adanna Ferguson, Assistant City Attorney, Office of the City Attorney.

Both ACA Ferguson and Attorney Braverman provided opening statements. The following witnesses appeared at the request of the Department, were sworn in and provided testimony:

1. Stephanie Panoff, Assistant City Attorney, City of Miami Attorney's Office. Questions and comments were made by Member Lindsey and Chair Sutton.
2. *Frank Espinosa, Police Sergeant, City of Miami Police Department. Questions were posed by Member Cabrera, Member Lindsey, Member Jimenez and Chair Sutton.*
3. Manual Morales, Director, Department of Police. Questions and comments were made by Member Lindsey, Member Cabrera, Member Jimenez, Member Garcia and Chair Sutton.

Chair Sutton asked if the parties wished to take a break to see if an amicable resolution can be reached prior to continuing the hearing. The parties responded in the affirmative. Upon return from break, ACA Ferguson advised the Board that the parties were unable to reach an agreement, to which Attorney Braverman concurred.

Both sides rested. Closing arguments were provided by Assistant City Attorney Ferguson and Attorney Braverman.

The Board proceeded to enter into review of the testimony and exhibits, and discussed whether to vote on all charges together, or to consider them independently. Member Cabrera stated that he wished to vote on all the charges together. He then asked both attorneys for their opinion on this matter.

Following discussion, the Board entered a motion to rule on the charges at once rather than individually, 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

The Board entered a motion to find the Appellant NOT GUILTY of the below-listed charges, which resulted as follows:

1. Departmental Order 1, Chapter 11.6.1.2 – Members and Civilian Employees
2. Departmental Order 1, Chapter 11.6.13.8 – Conduct Unbecoming a Police Officer
3. Departmental Order 1, Chapter 11.6.13.9 – Gossip
4. Departmental Order 1, Chapter 11.6.17 – Disciplinary Action
5. Departmental Order 1, Chapter 11.6.17.7 – Conduct Unbecoming a Police Officer
6. Departmental Order 1, Chapter 11.6.17.17 – Making a False Statement
7. Departmental Order 1, Chapter 11.6.17.22 – Gossiping
8. Departmental Order 1, Chapter 11.6.17.39 – Omission
9. Departmental Order 1, Chapter 11.6.531 – Truthfulness
10. Departmental Order 1, Chapter 3.4.7 – Private Life
11. Civil Service Rule 14, Section 14.2(e)(2) – Breach of Proper Discipline
12. Civil Service Rule 14, Section 14.2(e)(3) – Loss or injury to the City
13. Civil Service Rule 14, Section 14.2(h) – Guilty of Actions

**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

Member Cabrera added that he would like to include in the Findings and Recommendations, that the Chief of Police investigate any prior employees' termination and future disciplines to see if they received "equitable" discipline.

**H.2** Appeal Hearing on behalf of Rigoberto Hernandez, Police Officer, concerning his 40-hour suspension, effective May 9, 2022.

Adanna Ferguson, Assistant City Attorney, advised the Board of a pending settlement in this matter. A copy of the executed agreement will be forwarded once finalized; otherwise, rescheduled in accordance with the Civil Service Board continuance policy.

**H.3** Appeal Hearing on behalf of Avery White, Police Officer, concerning his 20-hour suspension, effective May 16, 2022.

The Executive Secretary advised the Board of a Notice of Withdrawal received from Eugene Gibbons, Attorney, on behalf of Avery White, Police Officer, concerning his 20-hour suspension, effective May 16, 2022.

The Hearing will be considered WITHDRAWN and removed from the Board's docket.

**H.4** Appeal Hearing on behalf of Sandy Dorsainvil, former Cultural Arts Center Manager, concerning her 5-day suspension, effective May 10, 2022.

Sandy Dorsainvil, former Cultural Arts Center Manager, appeared before the Board to request a continuance of the hearing scheduled for today. The Executive Secretary advised that this is the first continuance requested.

Following discussion, the Board made a motion to GRANT the continuance, which resulted as follows:

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

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

**ADJOURNMENT:**

Breaks were taken at: 11:12 am – 11:30 am; 2:20 pm – 3:20 pm (lunch)

There being no further business before the Board, a motion was entered to adjourn the meeting at 4:30 pm, which resulted as follows:

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

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

**SIGNATURE: Troy Sutton, Board Chairperson**

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