

City of Miami

3500 Pan American Drive  
Miami, FL 33133

www.miamigov.com

Meeting Minutes  
Tuesday, July 23, 2019  
10:00 AM

Commission Chambers  
Civil Service Board

Troy Sutton, Chairperson  
Michael Dames, 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 10:01 am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

Attendee Name	Title	Status
Troy Sutton	Chairperson	Present
Michael Dames	Chief Examiner	Present
Rafael Cabrera	Board Member	Present
Ulysses Garcia	Board Member	Present
Wilbur M. Jackson, Jr.	Board Member	Absent

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

**AYES:** Sutton, Dames, Cabrera, Garcia

A. Approving of the Minutes

A.1 Civil Service Board - Regular Meeting - July 9, 2019 10:00 AM

A motion was entered to approve the Minutes as presented, which resulted as follows:

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

**AYES:** Sutton, Dames, Cabrera, Garcia

B. Personnel Matters

B.1 Copy of a memorandum from Joseph F. Zahralban, Chief, Department of Fire Rescue, requesting an extension of probationary period of Roshard Smalls, Firefighter, for six (6) additional months beyond July 9, 2019. (DISCUSSION)

Following appearances by the employee and Niorge Aragon, Assistant Fire Chief, Department of Fire Rescue, who responded to questions by the Board, a motion to GRANT the request of the department was considered and resulted as follows:

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

**AYES:** Sutton, Dames, Cabrera, Garcia

B.2 Copy of a memorandum from Joseph F. Zahralban, Chief, Department of Fire Rescue, requesting an extension of probationary period of Jorge Delgado, Firefighter, for six (6) additional months beyond July 9, 2019. (DISCUSSION)

Following appearances by the employee and Niorge Aragon, Assistant Fire Chief, Department of Fire Rescue, who responded to questions by the Board, a motion to GRANT the request of the department was considered and resulted as follows:

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

**AYES:** Sutton, Dames, Cabrera, Garcia

- B.3 Copy of a memorandum from Joseph F. Zahralban, Chief, Department of Fire Rescue, requesting an extension of probationary period of Osmany Pelaez, Firefighter, for six (6) additional months beyond July 9, 2019. (DISCUSSION)

Following appearances by the employee and Niorge Aragon, Assistant Fire Chief, Department of Fire Rescue, who responded to questions by the Board, a motion to GRANT the request of the department was considered and resulted as follows:

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

**AYES:** Sutton, Dames, Cabrera, Garcia

- B.4 Copy of a memorandum from Joseph F. Zahralban, Chief, Department of Fire Rescue, requesting an extension of probationary period of Jason Lopez-Trigo, Firefighter, for six (6) additional months beyond July 9, 2019. (DISCUSSION)

Following appearances by the employee and Niorge Aragon, Assistant Fire Chief, Department of Fire Rescue, who responded to questions by the Board, a motion to GRANT the request of the department was considered and resulted as follows:

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

**AYES:** Sutton, Dames, Cabrera, Garcia

C. Military Leaves of Absence

- C.1 Alfredo Soler, Payroll Specialist, requests extension of Active Duty, Military Leave without pay effective July 29, 2019 through August 28, 2019. Records reflect his previous approved request for Military Leave was from July 8, 2019 through July 26, 2019. Copy of Orders submitted. (DISCUSSION)

The Board entered a motion to approve the leave as requested, and thanked the employee for his service.

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

**AYES:** Sutton, Dames, Cabrera, Garcia

D. Disciplinary Matters

- D.1 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Angela Ginnie, Emergency Dispatcher, of a 8-hour suspension, effective July 11, 2019. (NOTIFICATION)
- D.2 Copy of a letter from Lara Hamwey, Director, Parks and Recreation Department, notifying Ian Stringer, Sports Turf Manager, of a 14-work day suspension, effective July 15, 2019. (NOTIFICATION)
- D.3 Copy of a letter from Lara Hamwey, Director, Parks and Recreation Department, notifying Ricky Watson, Laborer I, of a 5-work day suspension, effective July 18, 2019. (NOTIFICATION)
- D.4 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Darlen Otano, Police Officer, of a 10-hour forfeiture, effective July 13, 2019. (NOTIFICATION)
- D.5 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Wilfred Perez, Police Officer, of a 10-hour forfeiture, effective July 10, 2019. (NOTIFICATION)
- D.6 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Ashley Hunter, Police Officer, of a 10-hour forfeiture, effective July 10, 2019. (NOTIFICATION)
- D.7 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Andres Valdes, Police Lieutenant, of a 10-hour forfeiture, effective July 18, 2019. (NOTIFICATION)

E. General Items

- E.1 Copy of a request to Amend original request for hearing from Osnat K. Rind, Attorney, on behalf of David Delgado, Maintenance Mechanic, adding an abuse of power, in violation of Civil Service Rules 14.2(k)- Incompetent, Negligent or Inefficient, and 14.2(l)- Careless or negligent, relative to the Investigation hearing, concerning the examination process for 2019 Firefighter's examination process. Hearing granted on April 16, 2019 meeting.  
(DISCUSSION)

Osnat K. Rind, Attorney, appeared before the Board requesting to amend the original request of Mr. David Delgado, Maintenance Mechanic, to include a violation of Civil Service Rule 14.2(k)- Incompetent, Negligent or Inefficient, and 14.2(l)- Careless or Negligent by Eyran Kraus of the Human Resource Department. ACA Ferguson had no objections to the request.

Following discussion, the Board entered a motion to GRANT the amended request, which resulted as follows:

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

**AYES:** Sutton, Dames, Cabrera, Garcia

E.2 CIVIL SERVICE BOARD MEETING CALENDAR

The following item did not appear on today's printed agenda for discussion:

The Executive Secretary reminded the Board of the upcoming Special meeting date set for August 5, 2019 at 9am and the Regular meeting of August 6, 2019 to begin at 9am.

No other discussion took place on this matter.

F. Reports

- F.1 Hearings Pending List as of July 23, 2019. (NOTIFICATION)

G. Requests for Hearings

H. Today's Hearings

- H.1 Hearing of Appeal on behalf of Adrian Cabello, Police Officer, concerning his 100-hour suspension, effective November 12, 2018.

The Chairman called for the hearing of Adrian Cabello, Police Officer, and asked if the Department was prepared to go forward with its case today.

Adanna Ferguson, Assistant City Attorney (ACA), appeared before the Board and answered in the affirmative.

Chair Sutton asked if Adrian Cabello, Police Officer (Appellant) was present at today's meeting.

Officer Cabello did not appear. Member Dames stated that he would like to move forward with the hearing and asked staff to contact Officer Cabello, to determine whether he planned to attend, or wished to request a continuance.

Chair Sutton advised that the Appellant didn't request an extension, nor contact with ACA Ferguson to see if she had any objections to a request for a continuance.

The Executive Secretary responded that the scheduling letter was sent out December 3, 2018 and the office have not heard from Officer Cabello since the request. She further explained in preparing for upcoming matters, Officer Cabello's information and others were forwarded to Eugene Gibbons, Attorney, the usual attorney for a Police Officer. She reminded all that should the Board wish to proceed, it can do so pursuant to Civil Service Rule 14.7 which states in part, "Failure of Parties to Appear - If the employee notified shall fail to appear at the time fixed for the hearing, the Board shall hear the evidence and render judgment thereon..."

Following a break, pursuant to Member Dames' request, several attempts were made to contact Officer Cabello [at the number he provided on his appeal request] to no avail.

ACA Ferguson confirmed that the Department would prefer to hear Officer Cabello's case today since he was notified. She went on to say that pursuant to the Rules, the Board would have to proceed with the case today.

No other discussion took place about Officer Cabello's absence.

-----  
The Board entered into the scheduled Appeal hearing on behalf of Adrian Cabello, Police Officer (Appellant) and proceeded pursuant to Civil Service Rule 14.7 "Failure of Parties to Appear". The charging document was placed in the official record.

The Department of Police was represented by Adanna Ferguson, Assistant City Attorney (ACA), Office of the City Attorney.

Adrian Cabello, Police Officer (Appellant), failed to appear for his hearing and was not represented.

Assistant City Attorney Ferguson provided opening statements.

Witnesses testifying at the request of the Department appeared in the following order:

1. Quanda Thomas, Typist Clerk II, City of Miami, Miami Police Department
2. Kimberly Rodriguez, Police Sergeant, City of Miami, Miami Police Department. Questions were posed by Members Sutton, Cabrera, and Dames.

The Department entered 5 exhibits then rested.

No testimony was presented by Appellant because neither he nor any witnesses were present at the meeting to testify on his behalf.

The Board proceeded to closing argument, which was presented by the department.

Member Dames stated that he requested staff to contact Officer Cabello to give him the benefit of the doubt; however, upon reviewing evidence presented today, he would have recommended a higher penalty. He went on to say he believed Officer Cabello was disrespectful.

Chair Sutton stated he believed this was a loss to the City and to the citizens.

Member Cabrera stated that based upon Department Order 5, Chapter 4, Section 4.4.3, Attendance which reads in part: "All members of the department shall be present at all judicial proceedings for which they have been subpoenaed or otherwise notified by a competent authority to appear. These include: criminal, civil, traffic, .....Civil Service Board hearing, and any other legal proceedings resulting from an employee's official duties." He went on to say, Officer Cabello's failure to appear at today's hearing constitutes his eight (8th) court related incident within a twelve-month period.

Having reviewed and considered testimony, exhibits and argument of counsel, motions regarding the charges were entered and resulted as follows:

A motion was made to find Appellant GUILTY of all four (4) charges, was considered and resulted as follows:

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

**AYES:** Sutton, Dames, Cabrera, Garcia

**PENALTY DISCUSSION:**

Having found Appellant guilty of all of the charges, the Board entered into discussion regarding recommendations to make to the City Manager.

Sgt. Rodriguez testified during the penalty phase. ACA recommended the Board uphold the 100-hour suspension. Questions were posed by Member Garcia.

The Board wanted to put on record that per the Departmental Orders, the Officer's failure to appear at today's meeting was an eight (8) occurrence within a one year period.

Following discussion, the Board considered a motion to UPHOLD the Department's decision to suspend Officer Adrian Cabello for 100 hours, 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, Dames, Cabrera, Garcia

H.2 Hearing of Appeal on behalf of Kenya Crocker, Police Officer, concerning her 80-hour suspension, effective January 16, 2018.

Adanna Ferguson, Assistant City Attorney, appeared before the Board and advised that there is an agreement between the respective parties and they are in the process of executing the agreement. This matter will be rescheduled in accordance with the Board's continuance policy.

**ADJOURNMENT:**

A break was taken at: 10:24 AM -10:40 AM

There being no further business before the Board, a motion was entered to adjourn the meeting at 10:47 am, 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, Garcia

**NAYS:** Dames

**SIGNATURE:**

**Troy Sutton, Chairperson**

**ATTEST:**

Tishria L. Mindingall, Executive Secretary