

# **City of Miami**

*City Hall  
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## **Meeting Minutes**

**Tuesday, September 18, 2012**

**10:00 AM**

**Commission Chambers**

### **Civil Service Board**

*Gerald Silverman, Chairperson  
Sean Moy, Chief Examiner  
Carlos Lago, Board Member  
Lillie Harris, Board Member  
Christine Gomez, Board Member*

**PLEDGE OF ALLEGIANCE**

*The meeting was called to order at 10:05 a.m. The roll call at the commencement of the meeting was as follows:*

**Present:** Member Lago, Chairperson Silverman, Chief Examiner Moy and Member Harris

**Absent:** Member Gomez

**A. APPROVING THE MINUTES OF:**

Regular Meeting of September 4, 2012.

*The Board entered a motion to APPROVE the minutes of September 4, 2012 which resulted as follows:*

**Motion by Chief Examiner Moy, seconded by Member Harris, to APPROVE.  
PASSED by the following vote.**

**Aye:** Silverman, Moy, Lago and Harris

**Absent:** Gomez

**B. PERSONNEL MATTERS****C. MILITARY LEAVES OF ABSENCE****D. DISCIPLINARY MATTERS**

- D.1** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Pierre Chery, Police Officer, of his 40-hour suspension, effective September 14, 2012. (NOTIFICATION)

**NOTIFIED**

- D.2** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Robert Jules, Police Officer, of his 40-hour suspension, effective September 14, 2012. (NOTIFICATION)

**NOTIFIED**

- D.3** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Melissa Valdes, Police Sergeant, of her 10-hr forfeiture, effective August 24, 2012 and a copy of a request to appeal from Sergeant Valdes. A hearing will be scheduled in accordance with Civil Service Rules and Regulations. (NOTIFICATION)

**RECEIVED AND FILED**

- D.4** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Dermis Hernandez, Police Officer, of his 40-hr suspension, effective September 5, 2012 and a copy of a request to appeal from Officer Hernandez. A hearing will be scheduled in accordance with Civil Service

Rules and Regulations. (NOTIFICATION)

**RECEIVED AND FILED**

- D.5** Copy of a letter from Henry Torre, Director, Department of Public Facilities, notifying Juan Ginarte, Marinas Supervisor, of his termination, effective August 30, 2012. (NOTIFICATION)
- NOTIFIED**
- D.6** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Reinaldo Tejera, Police Officer, of his 10-hour suspension, effective September 13, 2012. (NOTIFICATION)
- NOTIFIED**
- D.7** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Fausto Lopez, Police Officer, of his termination, effective September 13, 2012. (NOTIFICATION)
- NOTIFIED**

**E. GENERAL ITEMS**

- E.1** Notice of a Request to Continue from Ronald J. Cohen, Attorney, on behalf of Favian Rodriguez, Police Officer, relative to his 40-hour suspension, effective January 3, 2009. Janeen Richard, Assistant City Attorney, expressed no objection to the continuance request. (DISCUSSION)

Appeal Hearing is scheduled for October 2, 2012.

*Chairman Silverman stated that Assistant City Attorney (ACA) Richard expressed no objection to the continuance request and asked the employee's representative if she wished to say anything regarding this request.*

*Richelle Levy, Attorney, Law Office of Ronald J. Cohen, responded in the affirmative and stated that Attorney Cohen requested a continuance due to a scheduling conflict that arose this morning.*

*Chairman Silverman asked if there was any discussion from Board Members on this item. Member Harris asked for the scheduling history of Officer Rodriguez' case. The Acting Executive Secretary responded that this was the first time Officer Rodriguez' hearing was scheduled and the first continuance requested by the employee.*

*Following discussion, the Board entered a motion to APPROVE the continuance requested by Attorney Cohen on behalf of his client, Officer Favian Rodriguez, which resulted as follows:*

**Motion by Chief Examiner Moy, seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Moy, Lago and Harris

**Absent:** Gomez

**F. REPORTS**

**F.1** Pending Hearings as of September 18, 2012. (NOTIFICATION)

**PRESENTED**

**F.2** Copy of a Preliminary Investigation report from Sean Moy, Chief Examiner concerning the matter of Marly Saldarriaga, former Public Service Aide. (DISCUSSION)

Deferred from the meeting of September 4, 2012.

*Chairman Silverman asked Chief Examiner Moy if he wished to offer anything regarding the preliminary investigation report he prepared. Hearing none, Chairman Silverman asked Attorney Braverman if he wished to say anything regarding the Chief Examiner's report. Attorney Braverman responded in the affirmative. He went on to say that the only thing he would like to say concerning the Chief Examiner's report is that he believed his client was entitled to a hearing before this Board and that this same sentiment was expressed by Chairman Silverman at an earlier meeting. Attorney Braverman further stated that he also believed ACA Richard challenged him to identify rule violations that could have been included in the charging document that was issued to his client. He stated during a recent meeting that included himself, Chief Examiner Moy, ACA Richard, and Tishria Mindingall (Executive Secretary), it was made clear that Civil Service Rule 14.2(p) would have been an applicable rule violation (to use in the disciplinary letter), if in fact the Police Department tried to terminate an employee for some immigration or work status violation. Attorney Braverman read into the record Civil Service Rule 14.2(p) which states, "Has intentionally falsified a time record or failed to report absence from duty to superiors; or if, after employment, it is found that an employee has made a false statement in the application for employment or has given false information on his/her pre-employment medical examination." He stated that Rule 14.2(p) is clear and he was sure it was based on the assertions made by the City that somewhere on the (employment) application the employee made some false statement regarding their citizenship status or ability to work. Attorney Braverman went on to say that after hearing from Chief Examiner Moy, it would be his request that the Board approve a Rule 14 hearing on behalf of his client, Ms. Saldarriaga.*

*Chairman Silverman stated the Chief Examiner's report recommended no hearing be afforded to Ms. Saldarriaga by this Board. He went on to say that he did not know if Attorney Braverman was aware of the Chief Examiner's recommendation but he should have received the report some time ago.*

*Attorney Braverman stated Ms. Saldarriaga was present at the meeting held with the Chief Examiner and she made several statements that he was sure the Chief Examiner included in his report; however, he did not think it mattered as far as due process was concerned. He went on to say that he also thought the Chief Examiner's recommendation not to hold a hearing did not matter because the bottom line is the employee has a right to a hearing pursuant to Rule 14.1. Attorney Braverman further stated he felt the Board should further direct the City to provide specificity of a violation by including Civil Service Rule 14.2(p) in the disciplinary letter so that Ms. Saldarriaga is on notice of what she did wrong. He stated he respectfully disagreed with Chief Examiner Moy's recommendation to the Board and would therefore urge the Board and certainly the attorneys to look back in the most fundamental way as to employees' rights and interests and realize that absent some proof being brought before this Board where it can make a finding of fact as to Ms. Saldarriaga's status, that she was not provided a substantive, procedural due process. Attorney Braverman reiterated his request for a*

*Rule 14 hearing on behalf of his client.*

*Chairman Silverman asked the department's attorney if she wished to say anything on this matter. ACA Richard responded other than her agreement with the Chief Examiner's preliminary investigation and especially with regards to future disciplinary letters, the City will abide by the recommendation to include rule violations (in termination letters). She went on to say that in this particular case, there were several meetings held with Ms. Saldarriaga prior to her termination. ACA Richard further stated during those meetings, Ms. Saldarriaga was advised of the Department of Homeland Security's investigation, the police department went as far as to beg Ms. Saldarriaga to bring in documentation to show that she in fact was eligible to work in the United States, but once the documentation was not forthcoming, the police department had no choice other than to terminate Ms. Saldarriaga due to falsification of her I-9 document which is what the Department of Homeland Security brought to the police department's attention. She stated in an effort to be discreet, the Police Department chose to make the letter short and sweet so that all of the damaging information the department found out from Immigration and Natural Services (INS) would not be included in Ms. Saldarriaga's personnel file for purposes of not becoming a public record. ACA Richard went on to say that not only was Ms. Saldarriaga put on notice, but she had sufficient notice and an opportunity to correct her status. She further stated she believed (at the close of the Chief Examiner's investigation), he came to the right conclusion that no hearing was required after reviewing documents that were submitted by the department and Ms. Saldarriaga. ACA Richard reiterated that in the future the department will be more detailed when submitting termination letters.*

*Attorney Braverman stated that one of the findings listed in the Chief Examiner's report indicated that in accordance with Rule 14.1 Ms. Saldarriaga should have been advised in her termination letter of the Federal, State and Local laws and policies, which, in his opinion, was a clear statement that she was not given notice of the reasons for her termination. He reiterated that he did not believe the Chief Examiner's recommendation was consistent; therefore, he believed his client was entitled to a hearing.*

*Chief Examiner Moy stated the representatives from the Police Department and Internal Affairs were forthcoming which helped him to make a determination in the case of Ms. Saldarriaga and he thanks them for their efforts. He went on to say that he did conduct the preliminary investigation involving Ms. Saldarriaga and he thought one of the reasons it was conducted was to ensure there were no violations of rules and regulations and that she was given due process. Chief Examiner Moy further stated at the conclusion of the investigation, his determination was that Ms. Saldarriaga was not authorized to work in the United States so he did not think it needed to go any further (by having a Rule 14 hearing as requested by Attorney Braverman.)*

*Chairman Silverman stated the problem the Board has with this case is due process. He went on to say that it was not a merit issue but a legal issue of whether Ms. Saldarriaga was entitled to a hearing. Chairman Silverman further stated that he believed Ms. Saldarriaga was entitled to a hearing and that he would vote in favor of a hearing; however, if a hearing was granted he did not want Attorney Braverman to waste the Board's time if his client had no case.*

*Attorney Braverman responded that he understood the Chairman's comment (about not wasting the Board's time) and he certainly knew the Chairman understood from his standpoint that if only the City would be forthcoming and set forth basic reasons in the termination letter, his client would be put on notice as to the reason for her termination.) Chairman Silverman interjected and stated that Attorney Braverman learned of the City's position today, he was given a copy of the Chief Examiner's report, and if he wanted a hearing, he would personally vote in favor of a hearing; however, he did not want*

Attorney Braverman to waste the Board's time. Attorney Braverman responded that he would never (waste the Board's time.) He went on to say that with all due respect to the Chairman's comments, he believed the Board needed to follow the traditional path that it has always followed (in terms of Rule 14 hearings.) Attorney Braverman further stated a preliminary investigation was not the substantive, procedural due process that Rule 14 guaranteed and that he appreciated the Chairman's comments because this matter necessitates a hearing. He stated the Board can be assured that if he were to find out beforehand there was no merit to his client's case, that he would not waste the Board's time, but it was not something he could do without the record being properly preserved.

Chairman Silverman asked the department's attorney if she wished to say anything else on this matter. ACA Richard responded in the affirmative. She went on to say as she stated earlier, Ms. Saldarriaga was not terminated for cause or a Rule 14 violation, but it was clearly an eligibility issue to work in the United States, which was why they travelled under Rule 16 and not Rule 14. She went on to say that Attorney Braverman requested a preliminary investigation pursuant to Rule 16 and both sides presented evidence, witnesses testified and at the close of the investigation, the Chief Examiner's finding was that a hearing was not necessary.

Member Harris stated (she was confused as to the City's position) because on one hand ACA Richard agreed that in the future the City would put the employee on notice by citing policy and rule violations (in termination letters) and on the other hand, she stated the department did not do anything wrong so she wanted to know if ACA Richard was saying that the department did or did not commit any violations. ACA Richard responded her position was that Ms. Saldarriaga was verbally notified via several meetings she had with police department staff and the Department of Homeland Security. She went on to say that Ms. Saldarriaga was given several weeks to submit documents showing her eligibility to work in the United States, but when the information was not forthcoming, she was terminated because the law says that an employer cannot continue to employ an employee that was not authorized to work. ACA Richard further stated if the City were to continue Ms. Saldarriaga's employment, it could face Civil and criminal penalties. She stated the Police Department was very fond of Ms. Saldarriaga and wanted her to correct the situation but she never submitted the information. ACA Richard went on to say that the (termination) letter did indicate that Ms. Saldarriaga was not eligible to work in the United States based upon the information received from the Department of Homeland Security and a summary of the numerous conversations the Police Department previously had with Ms. Saldarriaga which she thought was undisputed.

Member Harris stated she asked ACA Richard if the department provided Ms. Saldarriaga with formal notice (of the reason for her termination) and her response was that a verbal notice was given, but that was not the formal way of doing things. ACA Richard responded that she agreed with Member Harris, but when travelling under Rule 14 there is the requirement to include detailed charges and cite Civil Service Rules when an employee is being terminated for cause. She went on to say it is the City's position that Ms. Saldarriaga was not terminated for cause or any Rule 14 violation, but she was terminated based upon a Federal violation that the City can no longer employ her. Member Harris stated even if it was a Federal violation, that was something that could be included in the termination letter.

Member Harris stated that ACA Richard asserted that Attorney Braverman asked for a Rule 16 investigation. She went on to say at the time the Board was about to vote whether to hold a Rule 14 hearing on behalf of Ms. Saldarriaga, Board discussion took place and she suggested having a preliminary investigation in lieu of a Rule 14 hearing. Member Harris further stated that following the Board's discussion, she (Member Harris) made the motion recommending that the Chief Examiner conduct a preliminary

investigation because there was no information for the Board to review in order to make a determination at that time. Member Harris went on to say that she respected the work Chief Examiner Moy put into the investigation and she felt he did a thorough job, but she was in agreement with the Chairman that Ms. Saldarriaga was entitled to a hearing. She further stated if Attorney Braverman still wanted a Rule 14 hearing, she would vote in favor of his request for a hearing.

Following discussion, the Board entered a motion to grant a Rule 14 hearing on behalf of Marly Saldarriaga. The Board took up discussion on the motion. Member Harris stated even if a person was found guilty, that employee still had a right to due process. She went on to say that as an enlightenment to Attorney Braverman, she would say that based upon the outcome of the preliminary investigation, it did not look good for his client. Member Harris further stated her position has always been to provide the documents (needed for the Board to make a determination one way or the other.) She stated she did not know why the City in several instances seemed to be hesitant about providing documents when it has been shown that the outcome usually went to the favor of the City when documents were produced. Member Harris went on to say that regarding the City's concept that it was doing the employee a favor by keeping the letter short and sweet, her position was and has always been to present the documents and let the chips fall where they may because the employee is entitled to due process.

Following discussion, the motion on the floor to grant a Rule 14 hearing on behalf of Marly Saldarriaga resulted as follows:

**Motion by Chairperson Silverman, seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Lago and Harris

**No:** Moy

**Absent:** Gomez

## **G. REQUESTS FOR HEARINGS**

## **H. TODAY'S HEARINGS**

### **H.1 Hearing of Appeal on behalf of Marcel Jackson, Police Officer, relative to his 30-hour suspension, effective March 23, 2012.**

*For Officer Jackson's edification, Chairman Silverman explained the procedures the Board follows for appeal hearings since he was not represented by legal counsel. He informed Officer Jackson that there were only four Board Members present to hear his case and because of Member Gomez' absence, there was the possibility that this case could result in a tie-vote thereby causing his case to be retried. Chairman Silverman asked Officer Jackson if he wished to go forward with his case before the four available Board Members today or did he wish to continue his hearing and have it rescheduled to a time when all five Board Members could hear his case. Officer Jackson responded that he understood Chairman Silverman's explanation of the procedures and (the possibility of his case having to be retried if there was a tie-vote); however, he was prepared to go forward with his case today.*

*Hearing that Officer Jackson wished to proceed with his case today, the Board entered into the scheduled hearing of appeal on behalf of Officer Marcel Jackson, the Appellant.*

*Janeen Richard, Assistant City Attorney (ACA), represented the Department.*

*Marcel Jackson, Police Officer, represented himself.*

*ACA Richard and Officer Jackson presented opening statements. The Rule of Witnesses was invoked and all witnesses were sworn in individually. Witnesses for the Department appeared in the following order:*

- 1. Ray Blanco, Sergeant, City of Miami, Department of Police. Questions were posed by Board Members Moy, Harris, and Silverman during the testimony of Sgt. Blanco.*
- 2. David Bernat, Police Officer, City of Miami, Department of Police. Questions were posed by Board Member Harris during the testimony of Officer Bernat.*

*The Department rested its case.*

*Witnesses for the Appellant appeared in the following order:*

- 1. Norma Farmer, Police Officer, City of Miami, Department of Police. Questions were posed by Board Member Harris during the testimony of Officer Norma Farmer.*
- 2. David Bernat, Police Officer, City of Miami, Department of Police. Questions were posed by Board Member Harris during the testimony of Officer Bernat.*
- 3. Omar Mitchell, Sergeant, City of Miami, Department of Police. Questions were posed by Board Member Harris during the testimony of Sgt. Mitchell.*
- 4. Wilfredo Cruz, Lieutenant, City of Miami, Department of Police. Questions were posed by Board Members Harris and Moy during the testimony of Lt. Cruz.*
- 5. Rodolfo Bertrand, Sergeant, City of Miami, Department of Police. Questions were posed by Board Member Harris during the testimony of Sgt. Bertrand.*
- 6. Ramon Odio, Police Officer, City of Miami, Department of Police.*

*The Appellant rested his case.*

*The Board proceeded to closing arguments which were presented by both sides. Chairman Silverman called for final argument which was presented by the department's attorney. Following final argument Chairman Silverman closed the hearing and stated it was time for the Board to make a finding of guilty or not guilty on the charges, but before doing so he would like to say that he had said this before (in other cases) that there was no reason to cite 8 violations in the charging document, so (in his opinion) the City had an overcharge of violations listed in the disciplinary letter. Chairman Silverman further stated notwithstanding that, he wanted to know if there was any discussion from other Board Members.*

*Member Harris responded in the affirmative and stated that she wished to address Officer Jackson at this time. She went on to say that she has been employed with the City of Miami Police Department for 23 years and that the Members of this Board are aware that she is a lieutenant in the Police Department. Member Harris further stated although she has met Officer Jackson before, she did not know much about him and the times they had encounters she did not have any problems with him; but she could honestly say she had a problem with this case before the Board today. She went on to say that she wanted to take time to explain her position (on this case) because she knew many people were going to be mad with her decision, but she (could not worry about that) since her decisions are based upon what is presented before the Board and not upon people being mad at her.*



Member Harris stated at the onset of today's meeting she mentioned that everyone is entitled to due process so she wished to address Officer Jackson to explain to him how the Board works and its responsibilities since he opted to represent himself. She went on to say that the Board was charged with making decisions based upon evidence presented at the time of the hearing and that she made it a point to remain objective on all accounts. Member Harris further stated she did not have allegiance to any one group or side with the exception of the public because what is in the best interest of the public is what her job (as a Board Member) is about and what this hearing is about. She stated that the Board had to consider the evidence, testimony, etc., so in her opinion the issue was not that Sgt. Blanco did not sign the A-form (arrest affidavit) as alleged by Officer Jackson rather Sgt. Blanco did not get an opportunity to sign the A-form according to the (reprimand) and testimony presented to the Board. Member Harris went on to say that Officer Jackson chose not to testify and that was his right so she was left with the testimony of Officer Jackson's own witness, Officer Bernat who testified that Officer Jackson walked out, rolled his eyes, and made hissing noises. She further stated that according to the documents (submitted into evidence) and witness testimony, she did not see or hear anything that would have caused her to believe that Officer Bernat was untruthful or to even refute his testimony.

Member Harris stated in terms of Officer Jackson's allegation that Sgt. Blanco retaliated against him (by issuing him the reprimand before the Board today), she actually believed Sgt. Blanco's testimony when he said that he began writing the reprimand the same day (he had the encounter with Officer Jackson) because if she was faced with the (circumstances encountered by Sgt. Blanco), she would have done the same thing. She went on to say that she did not know if it was an appearance or if Officer Jackson was nervous, but (he came across to her) as someone who felt he should not be questioned. Member Harris stated that we (City employees) have to be questioned because it is a public job and we are accountable to the public. She went on to say that not only are we to be questioned, but it was Sgt. Blanco's responsibility as an attester of documents to question Officer Jackson for accuracy before affixing his signature on a document. Member Harris further stated if this is not done, accountability to the public is lost, ethics are diminished, etc. She stated she heard Officer Jackson refer to Sgt. Blanco as Officer Blanco at least twice (and) she did not know if this was due to nervousness, nevertheless, Officer Jackson works in a paramilitary organization where respect for superiors and following the chain of command are critical. She stated these are things that Officer Jackson needs to remember because failure to do so would only create chaos. She further stated whether Officer Jackson agreed or disagreed with a question that was asked of him at the time was not the issue, rather the issue was that of a sergeant standing before Officer Jackson who had the responsibility of avoiding possible liability to the City (by having to ask Officer Jackson questions about the form.) Member Harris stated that questioning of an officer is a part of a supervisor's responsibility as well as an oath for sworn members of the department because they are accountable to the public.

Member Harris stated that she took the time to explain to Officer Jackson her position on this case because she felt it was unacceptable (behavior) for Officer Jackson to have walked out on a superior officer and there was no refuted testimony presented to say that it did not happen. She went on to say she hoped that we all can learn how to respect one another, have patience, and most importantly, learn how to swallow our ego because it is not about us, personally. Member Harris further stated we need to get away from this mind-set that it is about me, that it is a personal attack because someone is asking a question. She stated if we can leave our egos at the door, it would greatly help the situation.

Following discussion on the Fact-Finding Phase of Officer Jackson's hearing, the Board

*entered a motion to find the Appellant GUILTY of Charge #1 - Departmental Order 1.11.6.17.8 - Insubordination. The motion resulted as follows:*

**Motion by Member Harris, seconded by Chairperson Silverman, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Moy, Lago and Harris

**Absent:** Gomez

*The Board entered a motion to find the Appellant NOT GUILTY of Charge #2 - Departmental Order 1.11.6.17.15 - Discourteous Language. The motion resulted as follows:*

**Motion by Chairperson Silverman, seconded by Chief Examiner Moy, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Moy, Lago and Harris

**Absent:** Gomez

*The Board entered a motion to find the Appellant GUILTY of Charge #3 - Departmental Order 1.11.6.31.3 - Respect for Superior Officers, which resulted as follows:*

**Motion by Chief Examiner Moy, seconded by Member Lago, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Moy, Lago and Harris

**Absent:** Gomez

*The Board entered a motion to find the Appellant GUILTY of Charge #4 - Civil Service Rule 14.2(e)(1) - Act of Insubordination. Under discussion on the motion, Member Moy stated this charge seemed to be the same as the previous charge of insubordination that the Board voted on earlier. Chairman Silverman responded that he mentioned earlier that there was an overcharge of violations cited in the disciplinary letter, nevertheless, the Board has to vote on this charge since it was cited in the reprimand.*

*Member Harris stated the first charge of insubordination that the Board voted on was cited from the Police Department's departmental orders. She went on to say that the charge of insubordination that the Board was now considering is the Board's own Civil Service Rule which needed to be cited (in the reprimand.) Following discussion, the Board entered a motion to find the Appellant GUILTY of Charge #4 - Civil Service Rule 14.2(e)(1) - Act of Insubordination. The motion resulted as follows:*

**Motion by Member Harris, seconded by Chairperson Silverman, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Lago and Harris

**No:** Moy

**Absent:** Gomez

*The Board entered a motion to find the Appellant GUILTY of Charge #5 - Civil Service Rule 14.2(e)(2) - Breach of Proper Discipline, which resulted as follows:*

**Motion by Member Harris, seconded by Chairperson Silverman, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Moy, Lago and Harris

**Absent:** Gomez

*Rule 14.2(h) - Insubordination; Disgraceful Conduct. The motion resulted as follows:*

**Motion by Member Lago, seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Moy, Lago and Harris

**Absent:** Gomez

*The Board entered a motion to find the Appellant NOT GUILTY of Charge #7 - Civil Service Rule 14.2(i) - Offensive Language, which resulted as follows:*

**Motion by Member Lago, seconded by Chief Examiner Moy, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Moy, Lago and Harris

**Absent:** Gomez

*The Board entered a motion to find the Appellant NOT GUILTY of Charge #8 - Civil Service Rule 14.2(r) - Antagonistic towards Superiors. The motion resulted as follows:*

**Motion by Member Harris, seconded by Member Lago, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Moy, Lago and Harris

**Absent:** Gomez

*The Appellant having been found guilty of some of the charges, the Board proceeded to the Penalty Portion of Officer Jackson's hearing. The Appellant's personnel file was reviewed by the Board which revealed the Appellant received three (3) reprimands and served eight (8) suspensions.*

*On behalf of the department, Roy Brown, Assistant Chief, City of Miami, Department of Police was called as a witness during the penalty portion of Officer Jackson's hearing.*

*The Department rested on rebuttal and the Appellant waived rebuttal. The Board then proceeded to closing argument and both sides presented their positions on the penalty. Following discussion, the Board entered a motion to uphold the Department Director's decision to suspend Officer Jackson for a period of 30 hours (3 work days). The motion resulted as follows:*

**Motion by Chairperson Silverman, seconded by Member Lago, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Lago and Harris

**No:** Moy

**Absent:** Gomez

## **ADJOURNMENT:**

*The meeting ADJOURNED at 2:07 p.m. Breaks were taken at 11:30-11:38 a.m. and 1:32-1:41 p.m.*

**SIGNATURE:**

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**Gerald Silverman, Chairperson**

**ATTEST:**

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**Tishria L. Mindingall, Executive Secretary**