

# **City of Miami**

*City Hall  
3500 Pan American Drive  
Miami, FL 33133  
[www.miamigov.com](http://www.miamigov.com)*



## **Meeting Minutes**

**Tuesday, March 5, 2013**

**10:00 AM**

**Commission Chambers**

## **Civil Service Board**

*Gerald Silverman, Chairperson  
Sean Moy, Chief Examiner  
Lillie Harris, Board Member  
Christine Gomez, Board Member  
Javier Baños, Board Member*

**PLEDGE OF ALLEGIANCE**

*The meeting was called to order at 10:04 a.m. The roll call at the commencement of the meeting was as follows:*

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

**A. APPROVING THE MINUTES OF:**

Regular Meeting of February 19, 2013.

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

**Aye:** Silverman, Moy, Baños, Gomez and Harris

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

- D.1** Copy of a Judgment from the City Manager concurring with the Board's findings concerning the Appeal Hearing of Stanley Mike, Police Officer, relative to his 80-hour Suspension, effective September 1, 2012. It is ordered and adjudged that the decision of the Chief of Police to suspend Officer Mike for 80-hours is hereby sustained. The Board recommended a 40-hour suspension. (NOTIFICATION)

**NOTIFIED**

- D.2** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Raul Iglesias, Police Sergeant, of his Termination, effective February 14, 2013. (NOTIFICATION)

**NOTIFIED**

- D.3** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Alcides Diaz, Police Officer, of his 240-hour Suspension, effective February 20, 2013 and a copy of a request to appeal from Officer Diaz. A hearing has been scheduled for July 9, 2013. (NOTIFICATION)

**RECEIVED AND FILED**

- D.4** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Michael Cadavid, Police Officer, of his 40-hour Suspension, effective February 26, 2013 and a copy of a request to appeal. A hearing of appeal is scheduled for July 23, 2013. (NOTIFICATION)

**RECEIVED AND FILED**

**E. GENERAL ITEMS**

- E.1** Copy of Findings of Fact in the Appeal Hearing of Stephon McGill, Police Officer, relative to his 10-hour Forfeiture, effective July 3, 2012.

(DISCUSSION)

Both parties advised no objections to the Findings drafted by Special Counsel.

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

**Aye:** Silverman, Moy, Baños, Gomez and Harris

- E.2** Civil Service Board's Calendar (DISCUSSION)  
Item addition

*Member Baños advised that he had scheduled vacation during the week of April 30th, and would not be at the meeting. Therefore, he was requesting that a special meeting be held either Friday, April 26, 2013 or Tuesday, May 7, 2013 instead, if the chambers were available. The Executive Secretary advised that the chambers were available for both dates, and that the decision would be the Board's to make.*

*Member Moy advised that May 7th worked with his schedule. Chairman Silverman asked if anyone had a scheduling issue with May 7, 2013. Hearing none, the Chairman instructed the Executive Secretary to issue notice changing the meeting date.*

*Chairman Silverman then advised that he had a scheduling conflict with the Board's June 11, 2013 meeting date, and asked if the Members would be available on June 4, 2013. Hearing no objection, the Chairman instructed the Executive Secretary to issue notice advising of the change in meeting dates.*

**DISCUSSED**

**F. REPORTS**

- F.1** Pending Hearings as of March 5, 2013. (NOTIFICATION)

**PRESENTED**

- F.2** Copy of a Report from the Chief Examiner, concerning the preliminary investigation on behalf of Ismaelia Castillo, Public Service Aide. Ms. Castillo was granted a hearing pursuant to Civil Service Rule 16.2 - Complaint by Employee, alleging a violation of Civil Service Rule 5 - Application for Examination, as it relates to her selection process for Certified Police Officer. (DISCUSSION)

*Chairman Silverman asked if Ms. Castillo was present. Seeing that she was not present, he asked if she was notified of today's meeting, to which the Executive Secretary responded in the affirmative. Chairman Silverman advised that the members had received the preliminary investigation report and asked if Chief Examiner Moy wished to add anything to the discussion.*

*Chief Examiner Moy advised that he wanted to thank the staff for their help in this matter. He went on to say that a thorough investigation was conducted, several meetings were held and numerous documents were researched and reviewed. He went*

on to read from the Report, his final recommendations, including that the Board adopt the Report and hold no further hearing on the matter.

Chairman Silverman asked if any Member wish to discuss the Report. Member Harris stated that as a reminder to the Board, when this matter was first brought to the Board, she was not in favor of granting a hearing, and although a majority voted in favor, she voted against granting a hearing, because Ms. Castillo had missed the posted deadline for submitting her disqualification appeal request.

Chief Examiner Moy advised that there was a lapse of 8 months before Ms. Castillo made any efforts regarding her disqualification, and she was unable to provide any reason as to why. He went on to say that Ms. Castillo applied for Certified Police Officer under different selection procedures than the ones she brought to the Board at the time of her hearing request. Member Harris asked if the Board could vote to not have a hearing, given the Chief Examiner's report. Chairman Silverman advised that the Board could vote to accept the report and find that no further hearing be held.

Following discussion, the Board entered a motion to ACCEPT the Report of the Chief Examiner and find that no further hearing be held, which resulted as follows:

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

Aye: Silverman, Moy, Baños, Gomez and Harris

## G. REQUESTS FOR HEARINGS

## H. TODAY'S HEARINGS

### H.1 Hearing of Appeal on behalf of Terrel Cheever, Communications Assistant, concerning his Termination, effective October 31, 2012.

Chairman Silverman stated that he was advised that Assistant City Attorney Richard was ill and was therefore requesting a continuance of this hearing. He went on to ask if that was correct and if there was an objection to the continuance from the employee. Diana Vizcaino, Assistant City Attorney, appeared before the Board and advised that the Chairman was correct. Michael Braverman, Attorney on behalf of Mr. Cheever, appeared before the Board and advised that there was no objection to the continuance from the employee.

Member Harris advised that she was sorry to hear that Assistant City Attorney Richard was sick, because she is always at the meetings. She went on to say that her concern is still that this is a termination case, and the Board is desirous of having these cases heard (quickly). She asked Attorney Braverman how long this case had been pending. Attorney Braverman responded that Mr. Cheever had been terminated October 2012, and that today was the first time on the Board's calendar for hearing. He went on to say that his plan, assuming the Board granted the request, was to request that the case be placed on the Agenda for the next meeting, because of Member Harris' concerns.

Member Harris stated that the staff does a great job in scheduling the hearings, paying special attention to terminations, and involving the attorneys in having cases scheduled. She went on to say that she wants closure in the cases. She further stated that she knows that the March 19th meeting has several cases already scheduled, including the one involving the Police Sergeant's Register. Chairman Silverman asked how long the hearing would take. Attorney Braverman responded that he believed the department to have 2 witnesses, and he would only have one, and that since it is a pretty straightforward issue regarding his client's [attentiveness], should not take too long.

*Following discussion, the Board entered a motion to APPROVE the department's request for a continuance, which resulted as follows:*

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

**Aye:** Silverman, Moy, Baños, Gomez and Harris

## H.2

Hearing of Appeal on behalf of Manuel Cabrera, Police Officer, concerning his 20-hr Forfeiture, effective August 16, 2012.

*Eugene Gibbons, Attorney on behalf of Manuel Cabrera, appeared before the Board and stated his appearance for the record. Chairman Silverman asked if the department was requesting a continuance, to which Assistant City Attorney Vizcaino responded in the affirmative. Chairman Silverman asked if this was a "speeding" case, to which Attorney Gibbons responded in the affirmative. Chairman Silverman asked if this case could also be settled. Attorney Gibbons responded that he had just this morning, handed Assistant City Attorney Vizcaino an agreement signed by the employee, which he hoped would be signed by the department. Chairman Silverman asked if the parties would agree to a continuance pending a signed settlement agreement, to which both Attorney Gibbons and Assistant City Attorney Vizcaino responded in the affirmative.*

*Following discussion, the Board entered a motion to CONTINUE this matter on behalf of the attorneys, pending submission of a settlement agreement, which resulted as follows:*

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

**Aye:** Silverman, Moy, Baños, Gomez and Harris

## H.3

Hearing of Appeal on behalf of John Marin, Police Officer, concerning his 10-hour Forfeiture, effective August 24, 2012.

*Eugene Gibbons, Attorney on behalf of John Marin, appeared before the Board and stated his appearance for the record. Chairman Silverman asked if this was also a "speeding" case, to which Attorney Gibbons responded in the affirmative. He went on to say that Officer Marin was in training today, but that he had a verbal agreement from him, and would forward a [written settlement agreement] for Officer Marin's signature, and for the [other parties'] signatures as well.*

*Following discussion, the Board entered a motion to CONTINUE this matter on behalf of the attorneys, pending submission of a settlement agreement, which resulted as follows:*

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

**Aye:** Silverman, Moy, Baños, Gomez and Harris

## ADJOURNMENT:

*The meeting ADJOURNED at 10:17a.m.*

SIGNATURE:

\_\_\_\_\_  
Gerald Silverman, Chairperson

ATTEST:

\_\_\_\_\_  
Tishria L. Mindingall, Executive Secretary