

City of Miami

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



Meeting Minutes

Tuesday, March 3, 2015

10:00 AM

Commission Chambers

Civil Service Board

*Javier Baños, Chairperson
Troy Sutton, Chief Examiner
Vishwani Ramlal, Board Member
William W. Riley, Board Member*

PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:00 a.m. with the Pledge of Allegiance. At the commencement of the meeting attendance was as follows:

Present: Chairperson Baños, Member Ramlal and Chief Examiner Sutton

Absent: Member Riley

A. APPROVING THE MINUTES OF:

Regular Meeting of February 17, 2015.

The Board entered a motion to approve the minutes of the February 17, 2015 meeting, which resulted as follows:

Motion by Member Ramlal, seconded by Chief Examiner Sutton, to APPROVE.

PASSED by the following vote.

Aye: Ramlal, Baños and Sutton

B. PERSONNEL MATTERS

- B.1** Copy of a memorandum from Maurice Kemp, Director, requesting to extend the probationary period of Richard Escandell, Firefighter, for six (6) additional months beyond April 7, 2015. (DISCUSSION)

Motion by Chief Examiner Sutton, seconded by Member Ramlal, that this matter be APPROVED. PASSED by the following vote.

Aye: Ramlal, Baños and Sutton

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

- D.1** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Vincent Miller, Police Officer, of his 40-hour suspension, effective February 22, 2015. (NOTIFICATION)

NOTIFIED

- D.2** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police notifying Diyango Fernandez, Police Officer of his 10-hour forfeiture, effective February 26, 2015. (NOTIFICATION)

NOTIFIED

- D.3** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police notifying Jorge Rojas, Police Officer of his 10-hour forfeiture, effective February 25, 2015. (NOTIFICATION)

NOTIFIED

- D.4 Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Juan Herrera, Police Officer, of his 10-hour forfeiture, effective March 3, 2015. (NOTIFICATION)

NOTIFIED

- D.5 Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Eddy Rodriguez, Police Officer, of his 10-hour suspension, effective March 2, 2015. (NOTIFICATION)

NOTIFIED

E. GENERAL ITEMS

- E.1 Copy of an Agreement between the City of Miami and Reynaldo Goyos, Police Officer, concerning his 40-hour suspension, effective January 15, 2013. (NOTIFICATION)

SETTLED : Case will be closed and removed from Board's docket.

- E.2 Copy of a Request to Continue from Stephanie Panoff, Assistant City Attorney, concerning the Appeal Hearing of Ryan Smith, Police Officer, relative to his 10-Hour Suspension, effective June 15, 2014. (DISCUSSION)

Hearing is scheduled for March 17, 2015.

Chair Banos requested the status of this matter. Assistant City Attorney Stephanie Panoff appeared before the Board on behalf of the Department and requested a continuance in this matter. Attorney Eugene Gibbons of Buschel, Gibbons, P.A. appeared before the Board on behalf of the Appellant and expressed no objection to the continuance. Chair Banos asked for the scheduling history, to which the Executive Secretary responded that there had been only one continuance in this matter and it was at the Appellant's request. The Board entered a motion to grant the Department's request for a CONTINUANCE in this matter which resulted as follows:

Motion by Chief Examiner Sutton, seconded by Member Ramlal, that this matter be APPROVED. PASSED by the following vote.

Aye: Ramlal, Baños and Sutton

F. REPORTS

- F.1 Pending Hearings as of March 3, 2015. (NOTIFICATION)

PRESENTED

G. REQUESTS FOR HEARINGS

H. TODAY'S HEARINGS

- H.1 Hearing of Appeal on behalf of Larry E. Hagan Jr., Police Officer, relative to his 120-Hour Suspension, effective November 12, 2013.

Chair Banos called for the hearing of Larry Hagan, Police Officer. The Executive Secretary read the charging document into the record.

The attorneys stated their appearances for the record. Assistant City Attorney ("ACA Panoff") Stephanie Panoff represented the Department. Attorney Eugene Gibbons of Buschel Gibbons, P.A. represented the Appellant. The Rule of Witnesses was invoked and witnesses were advised to leave the chambers and not to discuss their testimony.

ACA Panoff provided an opening statement. Attorney Gibbons deferred his opening statement. Witnesses on behalf of the Department were sworn in and gave testimony in the following order:

(1) Albert Pacheco, Police Sergeant, Department of Police. Questions were posed to witness Pacheco by Chair Banos.

(2) Traci Sloan (Jean Baptiste), Police Sergeant, Department of Police. Questions were posed to witness Sloan by Chair Banos and Members Sutton and Ramlal.

(3) Ronald Laberdesque, Police Commander, Department of Police. Questions were posed to witness Laberdesque by Chair Banos.

Attorney Gibbons asked that he be allowed to leave the hearing to attend another meeting that was previously scheduled. Without objection, Chair Banos announced a recess at 11:09 a.m. The Board reconvened and the meeting was called back to order by Chair Banos at 11:54 a.m.

The Department rested its case.

Attorney Gibbons provided opening statements and proceeded to call witnesses in the following order:

(1) Larry Hagan, Appellant, testified in his own behalf. Questions were posed to Appellant by Member Sutton and Chair Banos.

Closing arguments were presented by both parties.

The Board began deliberation on hearing. Member Ramlal stated that she was having some difficulty with some charges pursuant to testimony given. Following discussion, the Board voted on the charges.

The Board entered a motion to find the Appellant GUILTY of violating Departmental Order 1, Chapter 11.6.13.12 - Obeying Executing Orders, which resulted as follows:

Motion by Chief Examiner Sutton, seconded by Chairperson Baños, that this matter be APPROVED. PASSED by the following vote.

Aye: Baños and Sutton

No: Ramlal

The Board entered a motion to find the Appellant GUILTY of violating Departmental Order 1, Chapter 11.6.17.8 - Insubordination, which resulted as follows:

Motion by Chief Examiner Sutton, seconded by Chairperson Baños, that this matter be APPROVED. PASSED by the following vote.

Aye: Baños and Sutton

No: Ramlal

The Board entered a motion to find the Appellant GUILTY of violating Departmental Order 1, Chapter 11.6.17.33 - Neglect/Refusal to Comply, which resulted as follows:

Motion by Chief Examiner Sutton, seconded by Chairperson Baños, that this matter be APPROVED. PASSED by the following vote.

Aye: Baños and Sutton

No: Ramlal

The Board entered a motion to find the Appellant GUILTY of violating Departmental Order 1, Chapter 11.6.18.5 - Absence Without Leave, which resulted as follows:

Motion by Chief Examiner Sutton, seconded by Chairperson Baños, that this matter be APPROVED. PASSED by the following vote.

Aye: Ramlal, Baños and Sutton

The Board entered a motion to find the Appellant GUILTY of violating Departmental Order 1, Chapter 11.6.32.2 - Obedience to Orders, which resulted as follows:

Motion by Chief Examiner Sutton, seconded by Chairperson Baños, that this matter be APPROVED. PASSED by the following vote.

Aye: Baños and Sutton

No: Ramlal

The Board entered a motion to find the Appellant GUILTY of violating Departmental Order 1, Chapter 11.6.32.4 - Carrying Out Orders, which resulted as follows:

Motion by Chief Examiner Sutton, seconded by Chairperson Baños, that this matter be APPROVED. PASSED by the following vote.

Aye: Baños and Sutton

No: Ramlal

The Board entered a motion to find the Appellant GUILTY of violating Departmental Order 1, Chapter 11.6.46.3 - Feigning Illness or Injury, which resulted as follows:

Motion by Chief Examiner Sutton, seconded by Chairperson Baños, that this matter be APPROVED. PASSED by the following vote.

Aye: Baños and Sutton

No: Ramlal

The Board entered a motion to find the Appellant GUILTY of violating Civil Service Rules & Regulations 14.2(b) - Misuse of Sick Leave/Tardiness, which resulted as follows:

Motion by Chief Examiner Sutton, seconded by Member Ramlal, that this matter be APPROVED. PASSED by the following vote.

Aye: Ramlal and Sutton

No: Baños

The Board entered a motion to find the Appellant GUILTY of violating Civil Service Rules & Regulations 14.2(e)1 - Insubordination, which resulted as follows:

Motion by Chief Examiner Sutton, seconded by Chairperson Baños, that this matter be APPROVED. PASSED by the following vote.

Aye: Baños and Sutton

No: Ramlal

The Board entered a motion to find the Appellant GUILTY of violating Civil Service Rules & Regulations 14.2(e)(2) - Breach of Proper Discipline, which resulted as follows:

Motion by Chief Examiner Sutton, seconded by Chairperson Baños, that this matter be APPROVED. PASSED by the following vote.

Aye: Baños and Sutton

No: Ramlal

The Board entered a motion to find the Appellant GUILTY of violating Civil Service Rules & Regulations 14.2(h) - Disgraceful Conduct, which resulted as follows:

Motion by Chief Examiner Sutton, seconded by Chairperson Baños, that this matter be APPROVED. PASSED by the following vote.

Aye: Baños and Sutton

No: Ramlal

The Board entered a motion to find the Appellant NOT GUILTY of violating Civil Service Rules & Regulations 14.2(k) - Incompetent/Negligent, which resulted as follows:

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

Aye: Ramlal, Baños and Sutton

The Board entered a motion to find the Appellant GUILTY of violating Civil Service Rules & Regulations 14.2(r) - Antagonistic Toward Superiors, which resulted as follows:

Motion by Chairperson Baños, seconded by Chief Examiner Sutton, that this matter be APPROVED. PASSED by the following vote.

Aye: Baños and Sutton

No: Ramlal

The Board entered a motion to find the Appellant GUILTY of violating Civil Service Rules & Regulations 15.3 - Sick Leave with Pay, which resulted as follows:

Motion by Chief Examiner Sutton that this matter be APPROVED. FAILED by the following vote.

Aye: Sutton

No: Ramlal and Baños

The Board entered a motion to find the Appellant NOT GUILTY of violating Civil Service Rules & Regulations 15.3 - Sick Leave with Pay, which resulted as follows:

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

Aye: Ramlal and Baños

No: Sutton

The Board entered a motion to find the Appellant NOT GUILTY of violating Civil Service

Rules & Regulations 15.6(e) - Leave of Absence Without Pay, which resulted as follows:

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

Aye: Ramlal and Baños

No: Sutton

Chair Banos reviewed for the record, the guilty charges and the Board entered into the penalty phase of the hearing. Member Ramlal stated that she felt that the discipline given (120 hour suspension) was too harsh.

Chair Banos asked if the attorneys would be presenting any exhibits or testimony regarding the discipline issued. ACA Panoff responded that she would rely on the documents already presented. Attorney Gibbons reviewed the Appellant's disciplinary profile. Attorney Gibbons further stated that Sergeant Sloan's initial recommendation was to issue Officer Hagan a Reprimand only (with no loss of time). ACA Panoff reminded the Board that Commander Laberdesque testified that he felt that the 120-hour discipline was appropriate based on the facts alone.

Following discussion, Chair Banos advised the Board that they could make a recommendation to the city manager to: Sustain the 120-hour discipline or Reduce the discipline to anything from a Reprimand only up to 120 hours.

Member Ramlal offered a motion that Officer Hagan be given a Reprimand only or that the hours of discipline be reduced. The motion failed for lack of a second.

The Board entered a motion to recommend that the city manager SUSTAIN the 120-hour discipline issued by the police chief, which resulted as follows:

Motion by Chairperson Baños, seconded by Chief Examiner Sutton, that this matter be APPROVED. PASSED by the following vote.

Aye: Baños and Sutton

No: Ramlal

ADJOURNMENT

Breaks were taken between: 11:09-11:55am and 12:45-12:49pm. The meeting adjourned at 1:42 p.m.

SIGNATURE:

Javier Banos, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary