



# MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # **109-2012**

RECEIVED  
LETTER TO COMMISSION

2012 APR 27 AM 8:49

TO: Mayor Matti Herrera Bower and Members of the City Commission

CITY CLERK'S OFFICE

FROM: Jorge M. Gonzalez, City Manager

DATE: April 26, 2012

SUBJECT: **Information Regarding Employee Backgrounds**

This Letter to the Commission (LTC) is in response to the recent newspaper articles regarding the backgrounds of the seven City employees arrested on April 11, 2012. It is provided to clarify and correct the information reported.

## **BACKGROUND**

The media has, on at least two separate occasions, reported on the criminal backgrounds of some of the Miami Beach employees arrested by the Federal Bureau of Investigations (FBI). The information portrayed by the media was provided in such a manner that may erroneously imply, by omission of certain information, that all of these employees were convicted for their arrests and, as importantly, that most of these arrests occurred once they were employed with the City. It is understandable that there would be concerns about this information. ***However, it is important to ensure that you, as well as our residents and businesses, are provided with accurate and complete information, including the fact that only one prior arrest resulted in a conviction in 1978.*** The following is provided to clarify the information that has been previously reported, as well as to explain the City's previous and existing policies with regard to arrest history.

### ***Cases Involving the Accused***

Attachment A provides information specific to the criminal histories of each of the arrested individuals, and explains the disposition of their cases in the criminal justice system in order to provide insight about how it was possible for these employees to be hired and/or retained.

Five out of the seven arrested employees were hired (or in the process) prior to 2000. The two remaining employees were hired between 2006 and 2007, and although both had prior arrests, neither was convicted.

As you will note, only one of the arrests resulted in an actual conviction (occurred in 1978) and, as has been previously shared, the City terminated the employee in 2000 for omitting this information on his employment application. The employee and his union, the Communications Workers of America (CWA), filed a grievance, which was denied by the City, and subsequently filed for arbitration by the CWA. In conclusion of the arbitration process, a settlement agreement was approved by the then-Human Resources Director in 2001, which reinstated the employee to his position. Attached is a memorandum from the CWA president regarding this employee's termination and a copy of the grievance response from the City denying the reinstatement of the employee (Attachment B).

With the exception of the one conviction noted above, the disposition of previous charges against the employees fell into one of the following legal categories:

- **Acquittal** – A finding that a defendant in a criminal case is not guilty.
- **Withhold of Adjudication** - A sentencing option that is intended to give offenders and those with a minimal prior criminal history a second chance by avoiding a formal conviction. Even some multiple offenders may be eligible for a "Withhold of Adjudication" despite their prior record.
- **Nolle Prosequi** - A declaration made to the judge by a prosecutor in a criminal case either before or during trial, meaning the case against the defendant is being dropped. The statement is an admission that the charges cannot be proved, that evidence has demonstrated either innocence or a fatal flaw in the prosecution's claim, or the State Attorney has become convinced the accused is innocent. In some cases, diversion programs are available, and the case is dropped with a "Nolle Prosequi" after successful completion of the program.
- **Expunction** - A process in which a person's criminal offense is legally "erased", if the person was not convicted. When a person has his/her criminal offense expunged, his/her arrest record will not be accessible to the public. Under Florida Statutes (F.S. 943.0585) a person who is the subject of a criminal history record that is expunged may lawfully deny or fail to acknowledge the arrests covered by the expunged record.
- **No Action** - When the state announces a "No Action" it reflects that they have decided not to file a criminal charge in the case.

**City Policies:**

Early in my tenure after being hired in 2000, I determined that some of the hiring processes that were in place were flawed and, as a result, I terminated or otherwise replaced three senior-level employees in the Human Resources Department between 2002 and 2007 and subsequently directed a revamp of our priorities in this area.

Improvements to the City's recruitment and internal promotion efforts were made over time including the implementation of the current criminal background check system that was put in place in 2008. This system enables the City to take fingerprints electronically and send the information directly to the Florida Department of Law Enforcement (FDLE) and the FBI. This level of scrutiny, typically reserved for persons working with vulnerable populations and the like, guarantees that the City reviews complete and accurate results of both state and national criminal record searches for all job candidates within a few days. Also in 2008, an updated Employee Guide was distributed to all City employees (every employee was required to sign receipt and acceptance of this document) which included information on general employee policies including the provision that all employees should report any arrest to their supervisor and department director immediately.

With regard to current employees, if a classified (union) worker commits an act that rises to the level of termination, the City must follow the City's Personnel Rules as governed by the Civil Service System. These rules state the reasons under which a classified employee may be separated from the City, including the following provision:

"The following act(s) of employees shall be deemed sufficient cause for removal:

1. Has been **convicted** of a criminal offense or misdemeanor involving turpitude; or has been **guilty** of an immoral or criminal act."

Given that classified employees are guaranteed due process rights in the event of a disciplinary action, and given that only one these employees was "convicted" of the crimes they were charged with, the City would not have been able to move to terminate any of the arrested

employees. Again, the one employee that was convicted was terminated by the City in 2000. Unfortunately, when his union (CWA) grieved and took the termination to arbitration, the then-Human Resources Director entered into a settlement agreement and the employee was reinstated back to his position in conclusion of the arbitration process.

### **REINFORCING STANDARDS AND NEXT STEPS**

As public servants, we are expected to maintain the highest level of honesty, integrity, dedication and professionalism. I have held employees who do not meet these standards accountable to the extent permissible.

- I have sought the resignation of, or terminated, 40 management-level (non-union) employees who have not performed at the appropriate level or who have violated the public's trust in some way.
- In addition, approximately 112 classified employees have been terminated for various violations of the City's Personnel Rules (not including the seven employees that are the subject of this LTC and that we are in the process of terminating).

As was reported in a previous LTC, staff has already met on a number of occasions with the Miami-Dade County Commission on Ethics to develop additional tailored ethics training focused on the issues and challenges faced by our employees in all our regulatory areas as well as all employees in all areas throughout the City. On May 9, 2012, I plan to present to the City Commission a proposed agreement to contract with the Commission on Ethics to provide this enhanced training. Once this agreement is approved, sessions will be scheduled with employees as soon as possible and attendance will be mandatory and will be conducted on a recurring basis. I am also proposing for your consideration an agreement with the Miami-Dade County Inspector General to investigate misconduct and serve as an additional safeguard against breaches of the public trust. This proposed agreement will also be presented at the May 9, 2012, City Commission meeting.

In light of recent developments, I have asked the Office of the City Attorney to determine how we can legally hold employees in a position of trust to a higher standard justifying an adverse employment action, even if the disposition of a criminal case does not end with conviction. This would have to be in compliance with Title VII of the Civil Rights Act of 1964 and the longstanding court decisions and the United States Federal Government Equal Employment Opportunity Commission (EEOC) Enforcement Guidelines, which state that prior to excluding an applicant based on criminal history, the hiring agency needs to consider the nature and gravity of the offense or conduct; the time that has passed since the offense, conduct and/or completion of the sentence; the nature of the job held or sought; and whether excluding the applicant based on the criminal history is job related and consistent with business necessity.

The following additional actions related to the issue of employee conduct are underway or have already been completed:

- In January 2011, the Office of the Budget and Performance Improvement (OBPI) began a review and update of all citywide policies including several related to human resource policy improvement to enhance employee accountability.
- In October 2011, the City's Personnel Board consisting of residents appointed by the City Commission and classified (union) employees began a review of the City's

Personnel Rules to make appropriate updates and revisions. The Personnel Board is being assisted in this review by the Office of the City Attorney.

Both the Personnel Board and the OBPI will be tasked with discussing and proposing policies pertaining to periodic background screening; requiring employees who have knowledge or information that may constitute a crime to report such information immediately and personally to the proper investigating authority; as well as other initiatives currently under consideration.

- On April 20, 2012, I sent a message to all employees (Attachment C) making it clear that abuse of the public trust will not be tolerated. I directed that all employees re-sign the City's Loyalty Oath in which they "solemnly swear and affirm to uphold the Constitution of the United States and the State of Florida."
- On April 25, 2012, I met with all of the union presidents and representatives from the respective union executive boards to underscore the important role they play in sending the message that all employees adhere to high standards of honesty, integrity and professionalism.

As always, I am interested in your thoughts on any of these issues. I will keep you informed on progress in these areas. Meanwhile, if you any questions or need any additional information, please feel free to contact me.

**ATTACHMENT A**

Listed by date of hire, below are details pertaining to the employees:

**Henry Bryant, Fire Fighter I**

Henry Bryant was hired by the City in 1993 as a Fire Fighter I. He was in the same classification at the time of his arrest. Mr. Bryant had no criminal history at the time of his hire but in 1998 was charged with soliciting a prostitute. That charge was subsequently Nolle Prosequi.

**Jose Alberto, Code Compliance Administrator**

Jose Alberto was hired by the City in 1993 as a Park Attendant. Although his employment began on that date, his background process was not completed by the City's Human Resources Department until February 1994. In 1995, he was transferred to a Municipal Service Worker I (MSW I) position, and later promoted to an MSW II in 1996, and an MSW III in 1998. Mr. Alberto began working in Code Enforcement in 1998 as a Code Enforcement Officer I and became a Code Enforcement Officer II in 1999. In 2002, Mr. Alberto moved to the Code Compliance Administrator position he held at the time of his arrest. The background investigation conducted on Mr. Alberto at time of hire in 1993 revealed several criminal charges. These charges and the dispositions of each charge are as follows:

- 1989 – Petit Larceny – Withhold of Adjudication
- 1990 – Municipal Ordinance Violation – Acquitted
- 1992 – Marijuana Possession – Dismissed
- 1992 – Cocaine Possession – Withhold of Adjudication and Purchasing cocaine within 1,000 feet of school – Not Prosecuted
- 1992 – Disorderly Conduct – Withhold of Adjudication and Cocaine Possession – Withhold of Adjudication

Following all of these charges, Mr. Alberto was nevertheless hired by the City in 1993. When Mr. Alberto was selected as a Code Compliance Administrator in 2002, an updated background check was conducted. At that time, Mr. Alberto declared that he had been subsequently charged in 1994 at age 24 with driving under the influence (DUI) and two counts of failing to sign related traffic citations. The court withheld adjudication on one of the charges, the other charge was not prosecuted, and the DUI was Nolle Prosequi. In 2006, Mr. Alberto was arrested for battery in a dispute with his ex-wife for removing a Bluetooth device from her ear, but no action was taken by the State Attorney's Office on that charge and he was not prosecuted.

**Willie Grant, Code Compliance Officer II**

Willie Grant was hired in 1995 as a Clerk Typist. In 1997, he was promoted to an Administrative Aide I. In 1998, he was promoted to a Code Enforcement Officer I, and became a Code Enforcement Officer II in 1999. At the time of Mr. Grant's original background check, it was discovered that Mr. Grant had a charge in 1978 at age 22 of marijuana possession that was not prosecuted. When Mr. Grant became a Code Compliance Officer II, it was discovered through the background process that he had been *convicted* in 1976 of participating in a game of chance (gambling). Mr. Grant did not disclose this conviction on his employment application, and as a result, he was terminated by the City. His union, the Communications Workers of

America (CWA), appealed the termination, filed a grievance, which was denied by the City, and subsequently, filed for arbitration by the CWA. In conclusion of the arbitration process, the then Human Resources Director entered into a settlement agreement with the employee and the CWA and the employee was reinstated to his position as a Code Compliance Officer II.

### **Chai Footman, Fire Fighter I**

Chai Footman was hired by the City in 1999 as a Fire Fighter I. He was in the same classification at the time of his arrest. Mr. Footman had no criminal history at the time of his hire, and has not been prosecuted for any criminal charges since he was hired.

### **Ramon Vasallo, Code Compliance Officer I**

Ramon Vasallo was hired as a Parking Facilities Supervisor in early 2001. In 2005, he transferred from the Parking Department to the Code Compliance division as a Code Compliance Officer I. Mr. Vasallo had no criminal history at the time of his hire or transfer to Code Compliance. In 2008, Mr. Vasallo was arrested. (Pursuant to Florida Statute 943.0585, it is unlawful for the city to disclose information relating to the expunged criminal history of a current or former employee.) The charges were Nolle Prosequi and his record was expunged. Given the expunction, this arrest is "legally" erased.

### **Orlando Gonzalez, Code Compliance I**

Orlando Gonzalez was hired as an Information Technology Specialist in 2006. At the time of hire, he disclosed that he was charged with leaving the scene of an accident in 2001 without providing his identification. Adjudication was withheld by the court in that case. He was in the process of being laid off due to budget cuts by the City in 2009 when he was placed in a temporary status. At the time of this action, it was discovered that Mr. Gonzalez had been arrested in 2008. (Pursuant to Florida Statute 943.0585, it is unlawful for the city to disclose information relating to the expunged criminal history of a current or former employee.) The court allowed Mr. Gonzalez to enter a deferred prosecution program, and in November 2010, these charges were expunged. Mr. Gonzalez was hired as a probationary Code Compliance Officer I in March 2011 after his record had been expunged. Given the expunction, this arrest is "legally" erased.

### **Vicente Santiesteban, Code Compliance Officer I**

Vicente Santiesteban was hired as a Code Compliance Officer I in 2007, and remained in the classification until the time of his arrest. At the time of his hire, he disclosed that he had been arrested as a juvenile in 2000 for throwing rocks and resisting arrest without violence during an Elian Gonzalez rally in the City of Miami. No action was taken on these charges by the State Attorney's Office. He was arrested in 2008. (Pursuant to Florida Statute 943.0585, it is unlawful for the city to disclose information relating to the expunged criminal history of a current or former employee.) This charge was not prosecuted and his record was expunged. Given the expunction, this arrest is "legally" erased.



# COMMUNICATIONS WORKERS OF AMERICA

LOCAL 3178

MIAMI BEACH - AFL-CIO

7455 Collins Avenue, Suite 212

Miami Beach, Florida 33141

305-861-1190 • Fax: 305-861-9857

## Attachment B

DATE: October 21, 2000

PRESIDENT

RICHARD MCKINNON

TO: Jorge Gonzalez, Miami Beach City Manager  
1700 Convention Center Dr., Miami Beach, FL 33139 -

VICE-PRESIDENT

JOSEPH FISHER

FROM: Richard D. McKinnon, President of CWA 3178  
E-Mail: rmckinnon@cwa3178-miamibeach.org

SECRETARY

DIANN MOORE

SUBJECT: **Request to review Willie Grant's termination**  
Failing to list a misdemeanor gambling conviction (shooting dice in 1976), on a promotional application.

TREASURER

VICTORIA STEVENS

I am writing on behalf of Communications Workers of America Local 3178 and its member Willie Grant. We are asking that you reinstate Mr. Grant to his position as a Code Compliance Officer II and award him retroactive pay to January 5, 2000, the date on which he was wrongly terminated by the City. For the reasons outlined below, we believe that this is the just and fair method of resolving Mr. Grant's case, one designed to treat your employees fairly and to treat the City's resources responsibly.

In December 1999, Mr. Grant was offered a promotion to Code Compliance Officer II, conditional on him passing a background investigation. On January 5, 2000 the City terminated Mr. Grant for allegedly falsifying an application for a promotion from the position of Code Compliance Officer I to Code Compliance Officer II. The City claimed that Mr. Grant had intentionally falsified his application by omitting a misdemeanor charge from 1976. The misdemeanor charge, for illegal gambling, occurred when Mr. Grant was no more than 20 years old. It occurred 20 years before the City hired Mr. Grant. Ironically, on this promotional application, Mr. Grant had listed a charge for possession of marijuana in 1978.

At no point in time did Mr. Grant deny the 1976 offense. When the issue was raised, he did not deny the charge, but questioned whether it was his brother's, due to his brother's gambling habits and similar birthday. He then confirmed that indeed it was his misdemeanor after seeing the file. He simply forgot about the conviction and did not list it on his application, as it had occurred twenty-five (25) years prior to his promotional application. Indeed, at the step III grievance meeting, the City's own witness, Eric Wardle, Assistant Code Compliance Director, stated that he himself did not believe that Mr. Grant falsified his application for a promotion. Nevertheless, ignoring the statement of its Assistant Director, as well as Mr. Grant himself, the City's Human Resources department, in complete disregard of the evidence before it, asserted that Mr. Grant had purposely and maliciously falsified his promotional application form and should be terminated.



PAGE 2  
October 21, 2000  
Mr. Jorge Gonzalez,  
Miami Beach City Manager

Not only did the City disregard the statements of Mr. Grant and his supervisor, it disregarded five (5) years of outstanding service to the City. Mr. Grant has been a terrific employee though his tenure. In those five (5) years he had been promoted, twice (2). At every opportunity Mr. Grant responded above and beyond the call of duty, actively seeking educational opportunities to advance his own career but, more importantly, to advance the interest of the citizens of the City of Miami Beach. His evaluations are uniformly above average to excellent. Judging Willie Grant on his merits, not a single piece of paper, leads to but one conclusion: he should never have been terminated.

The decision to terminate Grant is all the more distressing in light of arbitral precedent and applicable case law. The City has charged Willie Grant with falsification of an employment record. Falsification is a state of mind, requiring the employer to prove intent on the part of the employee in order to be successful in terminating or otherwise disciplining that employee. There are two aspects [to falsification claims]. The person acting must state an untruth knowingly *and* with the intention of misleading the observer.”

***Engelhard Corp. (ICWU Local 73, 100 LA (BNA) 238, 245, (Duda, 1993)***

- reinstating and compensating employee wrongly fired for alleged falsification of employment application where employer failed to prove intent to deceive.

***Carbide Co. (Steelworkers Local 8547), 100 LA (BNA) 763 (Felice, 1993)***

- reinstating employee where employer failed to prove intent to defraud;

***Houston Metro Transit Authority (TWU Local 260), 79 LA (BNA) 1103 (Baroni, 1982)***

- reinstating and awarding back pay to employee accused of falsifying claim form where employer failed to prove intent to deceive;

***McDonnell Douglas (Machinists Local 837), 78 LA (BNA) 287 (Fitzsimmons, 1982)***

- reinstating with full back pay employee because employer failed to prove intent to falsify records.

In this case, not only Willie Grant but also the City's own witness stated that Grant had no intent to falsify his promotional application. The assertion that he falsified a prior record just does not make sense in light of the fact that he put a later, more severe and more publicly damaging charge on his promotional application. Why would one put a charge for possession of marijuana on the form and not an earlier conviction for gambling with dice? Mr. Grant's actions do not corroborate the picture that the Human Resources representatives are trying to paint.

PAGE 3  
October 21, 2000  
Mr. Jorge Gonzalez,  
Miami Beach City Manager

There is a stronger, more pertinent case: the arbitration case of Leigh Emerson-Smith. The City attempted to terminate Leigh's employment for alleged falsification of a promotional application. The City's arguments were far stronger in Leigh's case. Leigh knew about her prior conviction, yet chose not to disclose that conviction – which occurred during the term of her employment with the City – on her promotional application twelve years after the fact. No supervisor came forward to agree that Leigh had not falsified her application. Leigh herself admitted that she knew of the conviction yet chose not to put it on the form, based upon incorrect advice that she had received. Nevertheless, under even stronger facts than those found in Willie's case, the arbitrator reinstated Leigh to her employment. That decision should be instructive, if not binding, in Willie's case.

To summarize, the City terminated Willie Grant for allegedly falsifying a promotional application. Nevertheless, by the City's own supervisor's admission and Willie's testimony, Willie did not intend to deceive the City in any respect. As Willie himself has stated, he simply forgot the incident, certainly not remarkable in light of the minimal nature of the violation and time's passage. Willie is by all accounts an outstanding employee, one who should have certainly been treated with far more respect that he actually received. The City's case has no basis in prior arbitral decisions.

Willie belongs at work today, not anxiously waiting for an arbitrator to hear his case. The Union asks that you, Mr. Jorge Gonzalez, new Miami Beach City Manager, review this case and do the just thing.

Reinstate Willie Grant to his job of Code Compliance Officer II with back pay restoring his benefits intact. Don't waste the Union and the taxpayer's money any further.

Thank you for your consideration of this most important matter.

Yours truly

cc. City Commission

**CITY OF MIAMI BEACH  
GRIEVANCE REPLY FORM**

GRIEVANCE STEP: # 3

UNION GRIEVANCE #: RL-001-1/00\_  
LABOR RELATIONS GRIEVANCE #: 1-00

1. Bargaining Unit (check one only):

FRATERNAL ORDER OF POLICE (FOP)  
 AMERICAN FEDERATION OF STATE,  
COUNTY AND MUNICIPAL EMPLOYEES (AFSCME)

INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF)  
 COMMUNICATIONS WORKERS OF AMERICA (CWA)  
 GOVERNMENT SUPERVISORS OF FLORIDA (GSA)

2. Employee's Name:  
Willie E. Grant

3. Employee's Classification:  
Code Compliance Officer I

4. Date Grievance was Written: 01/10/2000

5. Date Grievance was Initiated: 1/11/2000

**6. Reply**

A Step III Grievance Hearing was held on Tuesday, January 18, 2000 at 11:00 a.m., and the following individuals were present: Eric Wardle, Assistant Code Compliance Director; Noah Scott Warman, Esq., Attorney for CWA; Richard McKinnon, President, CWA Local 3178; Joseph Fisher, CWA Chief Steward; Willie E. Grant, Grievant; and I.

Mr. Grant applied for a promotional position as Code Compliance Officer II. As part of the background check, he was asked to list all instances of criminal conviction, or instances in which he was adjudicated guilty, plead nolo contendere, had sentence suspension or had adjudication withheld. Mr. Grant listed one conviction of marijuana possession in 1978. However, the City obtained information through a background check of an additional charge for gambling in 1976.

Mr. Grant met with representatives from the Human Resources Department on two (2) occasions. He denied the charge, and stated that he and his brother have a similar birthday, and it was his brother who had committed the crime. He also met with Mr. Wardle. Again he denied the charge and stated that his brother was the guilty party. Only when confronted with the booking photograph did he admit that it was he, and not his brother, who had committed the crime.

Mr. Grant was terminated, not for the gambling conviction itself, but rather the for the lying and deception concerning the conviction. He was found to have violated the following:

CHARGE I PERSONNEL RULE X. Section 2(b-2).

Has willfully violated any of the provisions of the Civil Service Act or of these Rules or Work Rules, or has attempted to or does, commit any act or acts intended to nullify or mitigate any of the provisions thereof.

CHARGE II PERSONNEL RULE X. Section 2(b-3).

Has been guilty of conduct unbecoming an employee of the City.

At the hearing, Mr. Warman stated that Mr. Grant had no intent to falsify and no history of deception. He also stated that he believed that there were procedural flaws concerning the pre-determination hearing and whether union representation was offered. He stated that Mr. Grant did not remember the incident and did not have any recollection of the gambling charges. He also said that Mr. Grant was a good employee, a statement that is not in dispute.

Mr. Grant testified and said that it was not logical that he would jeopardize his job over this conviction, especially since he had listed the other conviction.

**GRIEVANCE REPLY FORM**

Grant, Willie E.

page 2

I have reviewed Mr. Grant's file and the testimony given at the Step III Grievance hearing, and I have come to the conclusion that I did not hear evidence that would merit the reinstatement of Mr. Grant.

A pre-determination hearing was held, and Mr. Grant had at least three (3) opportunities to explain the circumstances of the gambling conviction. I could perhaps understand his possibly forgetting to list this conviction on the form. However, it is hard to understand how Mr. Grant, when confronted with the conviction, could maintain that he could not remember or have any knowledge of the incident, even if his brother had a gambling problem or a similar birthday.

I would like to reiterate that Mr. Grant was not terminated for the gambling conviction, but for lying and deception concerning this incident. Credibility is very important, especially for a Code Enforcement Officer.

This grievance is denied.



Mary Greenwood  
Executive Assistant to the City Manager/Labor Relations

1-21-2000

Date

MG:amh

F:\HUMAIL\LABORREL\AMH\CWAIGRVREPL\11-00GRAN.WPD

Enclosure

Original reply and grievance form sent to Richard McKinnon, President, CWA Local 3178

cc: T.C. Adderly, Director of Human Resources  
Al Childless, Director of Code Enforcement  
Eric Wardle, Assistant Director of Code Enforcement  
Noah Scott Warman, Esq.  
Joseph Fisher, CWA Chief Steward  
Willie E. Grant, Grievant



## MIAMI BEACH

OFFICE OF THE CITY MANAGER

## MEMORANDUM

TO: All City Employees

FROM: Jorge M. Gonzalez, City Manager

DATE: April 20, 2012

SUBJECT: Message From the City Manager

As public servants, we are expected to maintain the highest level of honesty, integrity and dedication. I am – as I am sure you are, too – extremely disappointed by the recent arrests of several employees who were allegedly engaged in activities that, in addition to being criminal, defy the values, morals and principles that represent all of us that work in this organization.

***Their actions are a huge betrayal of not only the public's trust – but also of you, me and our entire organization.***

Abuse of the public trust by our employees simply will not be tolerated. As I have always done in the past, I will swiftly and aggressively pursue allegations of misconduct and corruption within our organization, and continue to work steadfastly with law enforcement to hold individuals accountable. Make no mistake, I will immediately terminate any employee engaged in this type of activity.

As a reminder, when each of us was hired, we signed a loyalty oath which states that as an employee of the City of Miami Beach and a recipient of public funds, "we solemnly swear and affirm to uphold the Constitution of the United States and of the State of Florida." Every City employee is being asked to once again sign the oath, as a reminder of our individual and collective commitment to upholding the highest principles of ethics and conduct.

In that regard, it is important, and my expectation, that employees – as well as residents and business owners – report conduct that is not consistent with the integrity we expect of our public servants. We have partnered with an independent, outside entity, the Miami-Dade County Office of the Inspector General (IG), to assist the City by handling any reports of misconduct, fraud or abuse. Employees should call their hotline at 305.579.2593 to report any concerns. Tips will be investigated, or turned over to other appropriate authorities for investigation. As an alternative, you can always also report anonymous tips to the FBI hotline at 305.944.9101. I urge each one of you to be vigilant and forthcoming, as it is our duty to protect the integrity of this organization.

Please also know that in addition to the already required bi-annual ethics training, at my request, the Miami-Dade County Commission on Ethics and Public Trust is developing and will conduct additional tailored ethics training, focused on the issues and challenges faced by our regulatory employees. Sessions will be scheduled shortly, and attendance will be mandatory.

Despite the poor judgment of several individuals, I am still very proud of what we have accomplished over the years. The majority of our employees are hard-working, ethical, law-abiding individuals. It is my expectation that our team can come together and demonstrate through our actions and commitment to this organization that we are worthy of the public's trust.

As always, my door remains open to each of you, and I welcome the opportunity to hear from you about any concerns you may have or suggestions to make our organization better.

## ATTACHMENT

H:\Code Compliance\Message from the City Manager FINAL 4 20 12.doc

*We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.*



# MIAMI BEACH

Pursuant to Florida Statutes § 876.05, all persons who now or hereafter are employed by or who now or hereafter are on the payroll of the City of Miami Beach are required to take the below oath.

## **PUBLIC EMPLOYEES OATH**

I, the undersigned, being employed by or an officer of the City of Miami Beach, Florida, and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

Under penalties of perjury, I declare that I have read the foregoing City of Miami Beach Loyalty Oath, and that the facts stated in it are true.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name (Last Name, First Name, Middle Initial)

\_\_\_\_\_  
Employee ID Number