

CITY OF MIAMI BEACH
Office of the City Manager
Letter to Commission No. 147-2004



To: Mayor David Dermer and
Members of the City Commission

Date: June 8, 2004

From: Jorge M. Gonzalez
City Manager

A handwritten signature in black ink, appearing to read "Jorge", written over the printed name of the City Manager.

Subject: **TERMINATION OF JERI GOODKIN – SENIOR BUILDING INSPECTOR**

Jeri Goodkin, the City's Senior Building Inspector, entered into a Settlement Agreement and entered a plea of "no contest" with the Miami-Dade County Commission on Ethics and Public Trust for accepting outside employment that might impair her independence of judgment as a City employee.

On Thursday, June, 2, 2004, I met with the Ethics Commission representatives and reviewed the investigative facts.

As a result and in accordance with Miami Beach Personnel Rule I, Section 3(d)(1); Rule X, Sections 2(a), 2(b)2, 2(b)3, 2(b)4, 2(b)7, 2(b)12, and 2(b)18; and Miami Beach City Code, Article VII, Division 2, OFFICERS, EMPLOYEES AND AGENCY MEMBERS, Section 2-446, 2-447, 2-450, 2-453, 2-454, 2-455, and 2-457, I have signed a request for termination pursuant to our disciplinary procedures. A pre-determination hearing is set for June 9, 2004 at 3:00 p.m. and termination will be effective at end of business working day (5:00 p.m.) on June 10, 2004.

If you have any questions, please contact me.

JMG\CMC\rar

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c: Christina M. Cuervo, Assistant City Manager
Mayra Diaz Buttacavoli, Director of Human Resources and Risk Management
Phil Azan, Building Department Director

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04 JUN - 9 AM 7:49
CITY CLERK'S OFFICE

**CITY OF MIAMI BEACH
INTEROFFICE MEMORANDUM
HUMAN RESOURCES DEPARTMENT**

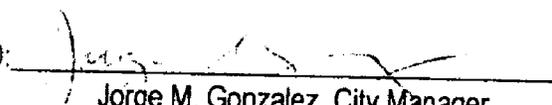
June 4, 2004

TO: Jorge M. Gonzalez
City Manager

FROM: Mayra Diaz Buttacavoli *Mayra D. Buttacavoli*
Director of Human Resources and Risk Management

SUBJECT: REQUEST FOR TERMINATION
JERI GOODKIN – SENIOR BUILDING INSPECTOR

In accordance with Miami Beach Personnel Rule I, Section 3(d)(1); Rule X, Sections 2(a), 2(b)2, 2(b)3, 2(b)4, 2(b)7, 2(b)12, and 2(b)18; and Miami Beach City Code, Article VII, Division 2, OFFICERS, EMPLOYEES AND AGENCY MEMBERS, Section 2-446, 2-447; 2-450; 2-453; 2-454, 2-455, and 2-457, approval is recommended for the termination of employment with the City of Miami Beach for Jeri Goodkin, based on the attached documentation.

APPROVED: 
Jorge M. Gonzalez, City Manager

MDB: GPL
Attachment

CITY OF MIAMI BEACH, FLORIDA

Human Resources Department
DISCIPLINARY ACTION

Date: June xx, 2004

TO Jeri Goodkin

Suspension _____

Name: Jeri Goodkin #15248

Reduction in Pay _____

Address: 9110 West Bay Harbor Dr.

Reduction in Class _____

Bay Harbor Island, Fl. 33154

Removal _____

Classification: Senior Building Inspector

Status: REGULAR

You are hereby notified of recommended disciplinary action as specified above and below:

Charges and Specifications:

Note: Specify the reasons for disciplinary action so as to place the employee fairly on his/her defense. Refer to sections of the Personnel Rules when violated. Charges should be in the language specified in the Personnel Rules.

DISCIPLINARY ACTION

You are hereby removed from your position with the City of Miami Beach pursuant to and in violation of the following:

CHARGE I Personnel Rule I, Section 3 (d)(1)

EMPLOYMENT RESTRICTIONS (1) No person who holds a position in the Classified Service of the City shall engage in any other employment or pursue any other gainful occupation than that involved in his/her City duties except as such other work shall be formally approved by the Appointing Officer under whom he/she serves and by the City Manager.

CHARGE II PERSONNEL RULE X, Section 2(a)

Any Appointing Officer may remove a subordinate employee under his/her jurisdiction in the Classified Service at any time for any cause which will promote the efficiency of the service.

CHARGE III 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 IV PERSONNEL RULE X, Section 2(b)3

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

CHARGE V PERSONNEL RULE X, Section 2(b)4

Has violated any lawful and reasonable regulation or order, or failed to obey any lawful or reasonable direction made and given by a superior where such violations or failure to obey has or might result in loss or injury to the City, the public, or to persons or property in the custody of the City.

Distribution: Original: -Human Resources Department
Copies: -Employee -Department -Payroll -Compensation -Benefits -Recruitment -Disciplinary Action File

CITY OF MIAMI BEACH, FLORIDA

Human Resources Department
DISCIPLINARY ACTION

Page 2 of 6

Date: June xx, 2004

TO Jeri Goodkin

CHARGE VI PERSONNEL RULE X, Section 2(b)7

Has been guilty of acts which amount to insubordination.

CHARGE VII PERSONNEL RULE X, Section 2(b)12

Has violated the provisions of the Conflict of Interest Ordinance of the City of Miami Beach.

CHARGE VIII PERSONNEL RULE X, Section 2(b)18

Has been guilty of actions which amount to disgraceful conduct while on or off duty.

CHARGE IX Miami Beach City Code, Article VII, Division 2, OFFICERS, EMPLOYEES AND AGENCY MEMBERS

Sec. 2-446. Declaration of policy. It is the policy of the city commission that no officer or employee of the city, or any of its agencies or subdivisions, and no member of the city commission, shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction, or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of his duties in the public interest. To implement such policy and strengthen the faith and confidence of the people of the city in their government, there is enacted a code of ethics, setting forth standards of conduct to be observed by all city officers and employees in the performance of their official duties. It is the intent of the city commission that this code shall serve not only as a guide for official conduct of public servants in this city, but also as a basis for discipline of those who violate the provisions of this article.

Sec. 2-447. Penalties for violation of division.

Violation of any provision of this division shall constitute grounds for dismissal from employment, or removal from office, or other penalty as provided by law.

Sec. 2-450. Disclosure of interest in business entity.

- (a) If a public officer or employee of the city directly or indirectly (via participation in any type of business entity) has or holds any employment or contractual relationship with any other business entity which the officer or employee knows or with the exercise of reasonable care should know, is doing business with the city, and which relationship is otherwise permissible under state and county ethics law, he/she shall file a sworn statement with the city clerk disclosing, (consistent with relevant privilege exemptions) the specific nature of employment and interest in such business entity as well as commencement date of the subject employment or contractual relationship and (if applicable) term of such relationship. The city clerk shall publish logs on a quarterly basis reflecting the disclosure forms referenced herein.

CITY OF MIAMI BEACH, FLORIDA

Human Resources Department
DISCIPLINARY ACTION

Page 3 of 6

Date: June xx, 2004

TO Jeri Goodkin

Sec. 2-453. Outside employment.

- (a) No officer or employee of the city shall accept other employment that might impair his independence of judgment in the performance of his public duties.
- (b) No officer or employee of the city shall receive any compensation for his services from any source other than the city of which he is an employee, except as otherwise provided by law.

Sec. 2-454. Transacting business with business entities in which employee or officer has interest; restrictions on personal investments.

- (a) No officer or employee of the city shall transact any business in his official capacity with any business entity of which he is an officer, director, agent or member, or in which he owns a controlling interest.
- (b) No officer or employee of the city shall have personal investments in any enterprise that will create a substantial conflict between his private interests and the public interest.

Sec. 2-455. Procedure by officer or employee when in doubt as to applicability of division.

When any officer or employee of the city is in doubt as to the application of this division as to himself, he may submit to the attorney general a full written statement of the facts and questions he has. The attorney general may then render an opinion to such person, and shall publish these opinions without use of the name of the person advised unless such person requests the use of his name.

Sec. 2-457. Voidability of prohibited transactions; procedure upon reports of violations.

- (a) Void and voidable transactions. Any contract, agreement or business engagement entered into in violation of this division shall render the transaction void where so provided in the Charter; otherwise, the same shall be voidable. Willful violations of this division shall constitute a malfeasance in office, whether elected or appointed, and shall effect forfeiture of such office or position pursuant to the method set forth in this division.
- (b) Charges and hearings.
 - (1) Any classified employee of the city accused of a violation of the provisions of this division shall be removed as such employee by his appointing officer if, after investigation by such appointing officer, such accusation appears to be true. Written charges shall be preferred against such employee, as provided for by the personnel rules of the city.

CITY OF MIAMI BEACH, FLORIDA

Human Resources Department
DISCIPLINARY ACTION

Page 4 of 6

Date: June xx, 2004

TO Jeri Goodkin

SPECIFICATIONS

You have been guilty of conduct unbecoming an employee of the City and acts which amount to insubordination. You have violated the provisions of the Conflict of Interest Ordinance of the City of Miami Beach, violated lawful and reasonable regulations of the City and County, and violated directions given by a superior where such violation has or might result in injury to the City.

In the latter part of 1999 and early 2000, you undertook a renovation project for an amount of \$32,000, through a corporation called Construction Works, Inc., for which you were the sole officer (**Exhibits 1 & 2**). You hired, supervised, and paid several contractors all of whom had open permits in the City of Miami Beach. You had enforcement authority over those contractors at the same time you were employing them.

You violated the City of Miami Beach Code Section 2-453, entitled Outside Employment, by accepting outside employment that might impair your independence of judgment. You also violated the corresponding Miami-Dade County Ordinance, 2-11-1(j) which prohibits accepting outside employment which would impair judgment in the performance of public duties. You violated Miami-Dade County Code Section 2-11.1(j) (1) and (2) by failing to file a financial disclosure form no later than noon of July 1, 2001. You further violated Miami-Dade County Code Section 2-11.1(k) (2) entitled prohibition on outside employment. You failed to file the report by noon July 1, 2001. Attached are full reports prepared by the Miami-Dade County Commission on Ethics and Public Trust dated October 15, 2003, (**Exhibit 2**) and November 2003, (**Exhibit 1**) providing a comprehensive background and description on the above noted matter.

On or about December 4, 2000, you formed a Florida for-profit company called MultiQual, Inc. You were and are the sole officer in that company and are listed as the president in the Department of State corporate records. On or about December 16, 2002, you filed articles of incorporation for a limited liability company called Multiple Qualifications, LLC with the Florida Department of State. You are listed as the sole officer/manager of the company. On June 23, 2003, Multiple Qualification, LLC began an investment relationship with a company called Boni Real Estate, LLC and owner Sabah Nissan, owner of property at 524 Ocean Drive, whom the Building Department and you have enforcement authority over. (**Exhibit 3**)

You, through Multiple Qualifications', established investment relationship with the real estate company noted above, violated the City of Miami Beach Code Section 2-453, entitled Outside Employment, by accepting outside employment that might impair you independence of judgment. You violated the corresponding County Ordinance, 2-11(j) which prohibits accepting outside employment which would impair judgment in the performance of public duties.

You violated County Code Section 2-11-1(1) entitled Prohibited Investments. You had a personal investment in an enterprise(s), (Multiple Qualifications and MultiQual) and those enterprises were financed substantially by Sabah Nissan, the manager of Boni Real Estate, LLC, whose property at 524 Ocean Drive was undergoing renovation, which was subject to the Building Department's enforcement authority.

You violated County Code Section 2-11.1(k) (2), entitled prohibition on outside employment, by failing to report

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DISCIPLINARY ACTION

Date: June xx, 2004

TO Jeri Goodkin

your involvement with MultitQual, no later than July 1, 2001 for the previous year, and again failed to report your involvement with MultiQual no later than July 1, 2002 for the previous year. You further violated County Section 2-11.1 (k) (2), for failing to report your involvement with Multiple Qualifications, LLC no later than noon on July 1, 2003. Attached is a copy of the full report prepared by the Miami-Dade County Commission on Ethics and Public Trust dated April 2004 providing a comprehensive background and description on the above noted matter. (**Exhibit 3**)

You were suspended from your position on December 24, 2002 (**Exhibit 4**). In your previous suspension, you were advised that any future violations of rules and regulations may result in further disciplinary action up to and including termination of employment with the City of Miami Beach.

THEREFORE, BASED ON THE ABOVE CHARGES AND SPECIFICATIONS YOU WILL BE REMOVED FROM YOUR POSITION WITH THE CITY OF MIAMI BEACH.

If you wish to review this action with me prior to your termination, you may discuss your reasons with me at 3:00 PM on Wednesday, June 9TH, 2004, in my office.

Signed: _____ Office Location: _____

The opportunity to respond in writing is provided below:

EMPLOYEE'S RESPONSE:

This is to become effective on the 10th, day of June, at 5:00 PM.

(Date must be subsequent to the service of this notice)

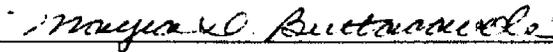
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CITY OF MIAMI BEACH, FLORIDA

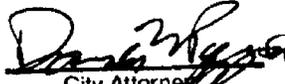
Human Resources Department
DISCIPLINARY ACTION

Date: June xx, 2004

TO Jeri Goodkin

<p style="text-align: center;"><u>NOTICE SERVED UPON</u></p> <hr/> <p style="text-align: center;">(Name of Employee)</p> <p>By Mail _____ Personally _____</p> <p>By Fax _____ # _____</p> <p>Via _____</p> <hr/> <p>This the _____ day of _____, 2004</p> <p>At _____ AM/PM.</p>	<p>FOR THE BUILDING DEPARTMENT</p> <p>Signature: <u></u></p> <p style="text-align: center;">Philip Azan Building Director</p> <p>FOR THE HUMAN RESOURCES DEPARTMENT</p> <p>Signature <u></u></p> <p style="text-align: center;">Mayra Diaz Buttacavoli Director of Human Resources & Risk Management</p>
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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

 6/18/04
City Attorney Date