

WASA / Montiel

Case Number: K09-095

Re: Miami Dade County Department of Water and Sewer / Chlorine leak at Hialeah water plant.

This Investigation was assigned to COE Investigator Penichet on 8/13/09; it deals with allegations of misconduct by the Management of Miami Dade County WASA. The person making the complaint Armando Montiel a former employee of the MDCWASA was working at the Hialeah facility and reported a major Chlorine leak that occurred on or about August 27 2008. (See attached e-mail)

The result of the leak sent a Hialeah Police officer and a County employee to the hospital, but contrary to Florida State Statute and U.S. Government regulation, Miami Dade County failed to report the incident to the proper authorities, and attempted to cover up the situation by firing the employee who reported it.

On 8/25/09 COE Investigators A. Skinner and B. Penichet met with Mr. Armando Montiel, at the AFSCME union hall, 4349 NW 36th Street. Suite 101 Miami Springs, Fl. 33166. Also present during the interview was, Mr. Joel Alfonso (Union Rep) and Mr. Emilio Azoy (Secretary Treasurer). Montiel advised that he has been employed by MDC for approximately fifteen (15) years and was instrumental in reporting the Chlorine leak to the union; he provided copies of the log book for the day of the incident showing the entries documenting the actual leak and the events surrounding the leak. Montiel along with the two union officials confirmed the fact that this incident was important enough to warrant a report to the proper authorities and a full investigation should have taken place. According to Azoy the union made a public records request asking for specific documents and reports related to the incident. Azoy advised that Ms. Adriana Lamar who is the Custodian of records provided logs that we doctored and did not reflect true and correct information. Azoy advised they had been provided the correct records by Montiel and Case prior to the official request was submitted. Azoy further stated that once WASA management realized that the union had the "real" documents they set out to find out who had provided them and began to retaliate against them.

Montiel advised that he had filed a previous EEOC complaint against his supervisor Mr. Tom Segers for bringing in his friend from the out side and promoting him to a supervisory position. Montiel advised that after the class action case, he was signaled out for counseling on minor matters and his reviews were lowered, so it affected his merit raises. Montiel and Azoy stated they are now waiting for arbitration witch will be binding on both parties and there is also an investigation being conducted by the EPA that can impact MDC negatibly if it is found that they falsified yearly safety statistics.

Montiel advised that the incident he was fired for he was not even present and he was not even involved. The actual leak occurred 12 hours after his shift ended and the person found to be responsible for the actual leak falsified the log, and in three different staments made false allegations. The only two persons fired where the persons that provided the Union with the true information, even though they had nothing to do with the actual leak and it was considered a minor incident by comparison that the same day at the same time a larger leak occurred that cost much more to clean up and the persons involved in that incident are still working.

Azoy advised that he will provide copies of all the documents in his possession in order to show the ongoing attempt by MDC to cover up their failure to report and investigate this very serious incident.

Name & Signature:	Breno Penichet, Investigator	Date:	9/02/09
		Item #:	1

On 9/2/09 COE Investigator Penichet attempted to obtain the records from Azoy but was unable, attempt will be made latter in the day.

Investigation Pending.

Date: 9/2/09
Case #: K09-095
Item #: 1