



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Robert Steinback

Case No. K14-085	Case Name: Greg Rollins, Miami-Dade Corrections	Date Open:	CASE CLOSED Date: <u>9/25/14</u>
Complainant(s): Gregory Rollins	Subject(s): Donald Coffey Joel Botner	April 11, 2014	

Allegation(s):

Complainant Gregory Rollins (Rollins), Correctional Counselor I for the Miami-Dade Department of Corrections and Rehabilitation (Corrections), alleges that he has been the subject of harassment and retaliation from a supervisor, Joel Botner (Botner) resulting from various complaints Rollins has lodged against his department. Complainant alleges further that in the course of an internal investigation into his allegations of harassment and retaliation, an investigation which ultimately rejected his allegations, subject Donald Coffey (Coffey), Chief of the Program Services Division, misrepresented or falsified the testimony of witnesses in order to reach a desired conclusion.

Relevant Ordinances:

Miami-Dade Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1(g), “*Exploitation of official position prohibited.* No person [covered by this section] shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.”

Miami-Dade County Code, Division 6, Protection of Employees Disclosing Specified Information. Sec. 2-56.28.13 “(1) The County shall not dismiss, discipline, or take any other adverse personnel action against an employee for disclosing information pursuant to the provisions of this division, (2) The County shall not take any adverse action that affects the rights or interests of an employee in retaliation for the employee’s disclosure of information under this division.”

Investigation:

Interviews

Gregory Rollins, Correctional Counselor I for the Miami-Dade Department of Corrections and Rehabilitation

Summary of interview

Rollins said his original complaint against his department was that he was suffering neck, shoulder and back problems as a result of his desk and seat configuration. He filed a report of injury on the job with the Risk Management Director. That individual determined that Rollins needed a drop-down keyboard, and provided documentation.

Rollins said nothing happened. He said he complained again four to six weeks later, got the same response from the Risk Management Director, and still got no action. Rollins said he was experiencing pain in his wrists.

Rollins said he told Botner and Chief Coffey of the Risk Management Director's report. They went out, got the drop-down keyboard and installed it, but Rollins said "the new piece was worse than not having it." He said his supervisors did not respond to his continued complaint, so he got an attorney and filed a lawsuit and sought mediation. Rollins said that case is still open.

Rollins said he requested through office safety to have an ergonomic study done. But he said that from the moment he presented this information, Botner's "decision changed greatly." Rollins said a pattern of harassment began. He cited:

- "Thinking for Change" training was coming up. Botner sent out a training note saying that anyone interested should e-mail him back. Rollins did, but when the list came out, he was not on it, and two people who didn't ask to be included, Michael Hart and Barbara Richardson, were included. Rollins said that unbeknownst to him, the department was creating a special unit, and that questions in the training were going to be pertinent to the "thinking for change" interview. Rollins said these two things should not be linked, that the training should not be a prerequisite for acceptance into the special unit. Rollins did NOT put in for the special unit, but wanted the training. Hart and Richardson put in for the special unit but NOT the training, though they ended up in training anyway. Rollins said the training was supposed to be a preparatory course for learning how to assist inmates in reentry, adding he used to be a commander for the re-entry program. Rollins eventually was allowed to take the training.
- Rollins said after a bad storm, Botner called his house asking for Rollins, who was already on his way to the office. Rollins said Botner wrote an e-mail about calling Rollins and getting "no response," arguing that Rollins hadn't provided accurate contact information. "He made it sound like he never reached [me], but he reached the house."
- Rollins said he had requested a meeting with Botner, but never received a response. He complained to Coffey, but was told that he should go through the chain of command. Rollins replied that he had already tried that.

- On another occasion Rollins said he put in a leave report, and Botner “dragged his feet” responding to it. Rollins said he had to call Commander Vicky Fox. She had to call Botner to ask, “why didn’t you respond to him?” Rollins ultimately got approved for the leave.

Based on these factors, Rollins filed a harassment complaint. He says the department was obliged to look into his complaint. He sent it to Chief Valerie Coleman (Coleman), the fair employment practices person for the department.

Rollins said rules require her to respond in 72 hours but she never talked to him. Rollins said that he then decided to contact the State Attorney’s Office, whose representative called the department. Coffey was told by the SAO’s office to complete the investigation.

- Nov 9, 2012 – Rollins files formal complaint to Chief Coffey and Coleman.
- Dec 2012 – Rollins contacts Assistant Director Daniel Mera (Mera) (who is over chief). On Dec. 21, Mera acknowledges getting his complaint. Rollins said Mera declines to meet with him. Directing him to meet with the chief, but Rollins said standards do not require him to follow the chain of command. Mera apparently tells Chief to meet with Rollins. Chief says Mera won’t meet with Rollins, even though policy says he can.
- Jan. 16, 2013 – Rollins goes to SAO.
- Feb 12, 2013 – SAO writes letter, copying Tyrone Williams, attorney. Meeting is scheduled with Mera, met on Feb. 14, 2013. Rollins said the meeting ends up being not about his harassment case, but about his going to the SAO. Rollins said he was told that IA would handle his case.

Rollins said IA captain Edwin Cambridge calls Coleman to get guidance on complaint. Rollins said she tells him to turn complaint over to Chief Coffey to investigate. Chief does investigation – so this becomes an administrative investigation, not an IA investigation. Rollins says DSOP 4-015 suggests this was an error, and that IA should have undertaken the investigation.

This is the investigation Rollins said included fabricated or misrepresented testimony. Botner is identified as the subject of the investigation.

The report, identified as Complaint AR-13-050, concluded that the staff had properly responded to Rollins’ injury claims, and that his other allegations were unfounded. The report listed four employee witnesses: Mike Hart (Hart), Barbara Richards (Richards), Evelyn Hollingshed (Hollingshed) and Elizabeth Cobarco (Cobarco). Of the four, only Cobarco was explicitly named in the investigation narrative.

Rollins subsequently went to each of the four witnesses, and got each to sign notarized affidavits swearing that no one from the department ever spoke to them in connection with an investigation of Rollins. Rollins is relying on these affidavits as evidence that Coffey did not conduct a proper investigation, and either fabricated or misrepresented the contributions of the witnesses. Rollins also asserts that he was never interviewed in connection with the investigation.

Elizabeth Cobarco, reached by telephone 5:10 p.m. on Monday, May 12, 2014.

Summary of interview

Cobarco was a co-worker of Rollins during all the times relevant to this investigation.

Investigator asked if Cobarco recalled any conversation specifically about an investigation of Rollins. She replied, “I really don’t remember a conversation like that. It never came up in reference to specifically bringing up his name. I was asked about his specialty position, was it advertised, was everyone notified.”

Cobarco said it was normal for a supervisor to check with her in such a situation to check “In a general sense” if proper notification of a training class went out and whether everyone who was eligible was notified. “That’s the normal question from supervision, when we have a vacancy, when we try to fill to position, whether it was distributed to everyone.” Asked if she would remember if someone had mentioned a specific investigation regarding Rollins, Cobarco said, “I would have remembered that, and I don’t.”

Cobarco said Rollins actually showed her the statement in the investigative report.

“He showed me that statement where my name was indicated, and I said I don’t remember that. I was surprised that my name was mentioned in the document.”

Cobarco said she “Let it go, to me it wasn’t an important issue, I thought it was a general question. When he [Rollins] showed it to me in black and white, I was surprised. It wasn’t the person who initiated the process [for informing people about training opportunities and other openings]. Mr. Botner set up the program itself” and so she thought he would be the person who would respond to a specific inquiry about it. “Normally, they [supervisors] would just ask us to make sure it was advertised and that everyone has an opportunity to apply.”

The investigator told Cobarco she might be requested to give a sworn statement at some point in the future.

Evelyn Hollingshed – reached by telephone, Wednesday, May 14, 2014

Summary of Interview:

Hollingshed was a co-worker of Rollins through December 2013, when she retired.

Hollingshed said that at one point Rollins was her supervisor, but then the County abolished his job classification, and he was reduced to the lower position of counselor. Hollingshed said no one from upper administration spoke to her about Rollins.

Hollingshed said she served as an inmate service technician. “I was here during the whole entire thing, and things occurred. I knew things occurred but no one spoke to me. At some point it did appear that because of his title as a supervisor and they made him a counselor [demoted him], he was advised to move out of his office. The captain ordered someone to remove the items out of the office which I thought was embarrassing [for him]. [He was]

stepped down from CC2 to CC1 [job classifications]. He wasn't the only one demoted. They did a bid for what location you wanted to work at. After Rollins was stepped down, after the demotion, for some reason they wanted him out of the office. There was no need to push him out of the office; it stayed vacant for a while. They had supplies in there. Eventually they placed a recruiter in there. He [Rollins] had no assigned work station; he was using several different computers. They eventually gave him a work station, but he liked to work with the keyboard down, so eventually, they moved the keyboard. He had to keep complaining about it, so they put it lower, but before they did that, something was going on with his wrists. He didn't have the problem in his original office."

Asked if management appeared to be targeting only Rollins, Hollingshed said, "Yes and no. Two other CC2s bid to come in... [the rationale was that] because they didn't have an office, he shouldn't have an office. When they came in, [the idea was that] it's not fair to the other CCs, they sit out in open area, and he is no longer the supervisor." Hollingshed said that while she heard that reasoning expressed in conversation, she could not recall who specifically said it.

Hollingshed said she could see no urgent need for Rollins to be moved out of his office, as the space wasn't immediately needed and no other employees had complained, suggesting that the move was only done to demean Rollins.

Hollingshed said she wasn't aware that an investigation of Rollins was under way until Rollins brought it to her attention that she had been listed as a witness in Coffey's report. "I said I have no recollection of Ms. Cobarco or anyone else ever speaking to me about anything related to you Mr. Rollins. They never approached to me pertaining to any investigation pertaining to Mr. Rollins."

Hollingshed is certain she was not questioned by Coffey in the matter because she said she would have told Rollins that she had been questioned about a matter involving him.

Summarizing, Hollingshed said, "I think they treated him [Rollins] unfairly, it was very disrespectful how they treated him. He came to work on time, did his work, got along with employees. Sometimes you can be a threat when you are a knowledgeable person."

Barbara Richards – reached by telephone Thursday, May 15, 2014. Richards was a co-worker of Rollins for all times relevant to this investigation.

Summary of Interview:

Richards said she was familiar with Rollins and his case. She acknowledged signing the affidavit asserting that Coffey never talked to her about Rollins. Richards said Coffey had spoken with her about another counselor who had submitted an e-mail. She said Coffey "called me into his office to discuss another counselor . . . but not Mr. Rollins. In reference to Kelly [the other counselor], he wanted an office. He had wanted one particular office, but another employee was already there. When he was called in, I made a suggestion that nobody have the office and we use it as a common area."

Richards said, "That's all we discussed, it had nothing to do with Mr. Rollins. Demotions..."

they didn't handle it right. Rollins was a supervisor. When he was demoted, it was like he was nothing. You're going to sit out here. He had an office because he was a supervisor, then they gave him a deadline to get out of the office. When he didn't move fast enough they moved him out, then he moved into the smaller office. When they put his stuff out, he took the liberty and put in that office, they never really assigned him a place."

Richards said, "They never said anything to me, period. My discussion I had with Chief Coffey had nothing to do with Mr. Rollins. The discussion I had with him was in discussion with Mr. Kelly in wanting this office."

Richards said, "To me, it seemed like they were picking on him. You're a supervisor. You're in the office. All of a sudden, you got demoted. What I think they did was look at chain of command, how could you get demoted from a CC2. Bridges was [demoted from] AO2 to CC2 Botner is AO3, They brought another guy who was an AO2... It was the way they did it."

Richards said that all of the CC2s were dropped to CC1. Rollins had more seniority than all CC2s. She said that among his co-workers, there was no problem with Rollins remaining in the office even at his new CC1 rank. Richards felt that management's effort to push him out of the office without designating a new place for him to work was unnecessarily harsh.

Richards said, "Rollins let us read the report. They did not do anything. They never mentioned anything. When I was called over, I was under the impression it was about Mr. Kelly. If they had said that's what they were asking about, I would have answered them just like I am answering you. But that's how they do things, sneaky and underhanded."

Donald Coffey, Chief, Program Services, Miami-Dade Corrections and Rehabilitation, September 23, 2014, by telephone.

Summary of interview

Coffey told the investigator that the four witnesses were individuals who worked in the same office area as Rollins, which is why they were selected. Coffey initially said none of them substantiated Rollins' allegations. Coffey said that Botner, though he was the supervisor in the facility, was not located at that facility itself. Coffey admitted to difficulty remembering all of the details of the report, which had been written more than a year ago, and said he would research it and report back.

Coffey said "I know I spoke to Botner, and Ms. Cobarco, I'm pretty sure I had conversation with staff, I don't know why they said they weren't interviewed. "

Coffey said that Rollins did submit a written complaint to me. Coffey said he had been investigating another counselor's complaint, a complaint that included Rollins, and Rollins ended up filing his own complaint about that complaint.

Coffey said that the work station issue was investigated, and that Botner had supplied him with a response to that. Coffey stated that in speaking with Botner, he did not come up with any evidence of retaliation.

After retrieving the report and refreshing his memory, Coffey called the investigator back on this same day to say that he did speak with Cobarco because she was the supervisor of the other three witnesses. He added that he spoke this day with Cobarco, who told him that when she signed the affidavit, she was referring to never having talked to Mera (the supervisor above Coffey), not Coffey. Regarding the other three witnesses, Coffey said he couldn't explain why they were listed as witnesses but not interviewed, except to say that he initially included them because they worked in the same area as Rollins. "I don't think I spoke with them based on what the complaint was," Coffey said.

After inspecting the affidavits provided to the COE by Rollins, Coffey called again and left a voice mail message, pointing out that the two notaries used for the four affidavits are also Corrections employees. One he identified as Marlon Kelly, who Coffey said has also filed complaints against Botner. The other is Daphne Killing, who was a corrections counselor herself.

Document/Audio/Video Review:

Rollins has provided copies of various documents, including the following:

- Rollins' Nov. 9, 2012 memo to Coffey outlining his allegation of harassment and retaliation on the part of Botner, with supporting documents.
- Rollins' March 7, 2013, letter to Dr. Lillian Rivera of the Miami-Dade County Health Department, detailing his allegations unsanitary conditions at the county jail, including rat infestation.
- Rollins' Sept. 30, 2013 letter to Miami-Dade Mayor Carlos Gimenez detailing his allegations of unlawful harassment and retaliation against supervisor Botner.
- Rollins' memos of Nov. 9, 2012 and Dec. 21, 2012, informing, respectively, Coffey and Assistant Director Mera of his complaint against Botner. Also included is Coffey's Jan. 25, 2013, reply to Rollins' Nov. 9, 2012 memo.
- Miami-Dade Assistant County Attorney William Candela's advisory letter to Rollins on how to seek whistleblower protection.
- Rollins' Jan. 16, 2013, letter to Miami-Dade State Attorney Katherine Fernandez-Rundle asking her office to intervene in his harassment complaint, and her Jan. 31, 2013, reply to that letter.
- Mera's Feb. 11, 2013, request (via administrative secretary Niurka Cimentada (Cimentada)) for an appointment. Mera (through Cimentada) sent a cancellation request dated Feb. 13, 2013.
- A letter dated Feb. 20, 2013, from Capt. Edwin Cambridge (Cambridge), of the Corrections and Rehabilitation, acknowledging receipt of his complaint against Botner.
- The June 22, 2013 report from Coffey to Mera ruling that Rollins' claims of harassment and retaliation are unfounded. [This is the report that lists the four witnesses Rollins claims were indicated but never actually interviewed.]
- Relevant pages of the DSOP for the Corrections Department.
- The sworn and notarized affidavits of Cobarco, Hollingshed, Richards and Hart.

- Rollins' Jan. 8, 2014, letter to Reynaldo Romero (Romero), AO3 of the Reentry Program Services Bureau for the Pre-Trial Detention Center, outlining Rollins' concerns regarding the handling of certain inmate grievances, and supporting documents.
- Rollins' Jan. 14, 2014, letter to Lead Monitor Susan McCampbell (McCampbell) outlining his concerns over what Rollins considers the inadequate handling of prisoner grievances. McCampbell acknowledged receipt on Jan. 22, 2014.
- Rollins' Jan. 15, 2014, letter to Miami-Dade Deputy Mayor Genaro Iglesias (Iglesias) reporting a "hostile work environment" created by what Rollins describes as a "bogus investigation" into his harassment claims, and the handling of prisoner grievances.
- The Jan. 22, 2014 letter from McCampbell acknowledging receipt of Rollins' Jan. 14, 2014, letter to her.
- Rollins' Feb. 13, 2014, memo to Terry Browne (Browne), Commander of the Reentry Program Services Bureau, contesting Browne's account of a conversation on Jan. 22, 2014; and Browne's response to that memo on Feb. 17, 2014.
- Rollins' June 23, 2014, memo to Coffey alleging harassment and retaliation on the part of Romero and Browne.
- Rollins' Aug. 5, 2014, letter to McCampbell following up his Jan. 14, 2014, letter to say that inmate grievances were still not being properly handled, in his view. He sent a similar letter to Miami-Dade Deputy Mayor Russell Benford on Aug. 21, 2014.
- Rollins' Aug. 11, 2014, letter to Coffey, as a follow-up to a July 18, 2014, meeting, regarding Rollins' allegation of abuse of power and retaliation, with supporting documents.
- Rollins' Aug. 11, 2014, memo to Romero regarding an allegation Romero lodged against Rollins for unauthorized leaving of the premises, including a copy of Romero's Aug. 7, 2014, allegation, and supporting documents.
- Acting Captain Melissa Johnson's Aug. 14, 2014, letter to Rollins acknowledging receipt of Rollins' complaint against Assistant Director Walter Schuh over the handling of Rollins' harassment complaint. Rollins on the same date sent a memo to Marydell Guevara, Director of Corrections and Rehabilitation, alleging retaliation and violation of rights against Schuh, with supporting documents.
- An Aug. 22, 2014, memo from Coffey regarding several internal temporary transfers, including Rollins.

Analysis

Rollins has amassed a complex history of complaints against his department, and further grievances regarding the department's handling of his complaints. Rollins believes his department – specifically his supervisor, subject Botner – has not responded to his concerns in a timely or serious fashion, and instead has taken actions against him that he believes amount to harassment or retaliation.

Overwhelmingly, the issues raised by Rollins are properly categorized as labor-management or personnel issues, which fall outside the jurisdiction of the Ethics Commission.

Furthermore, on a number of fronts, the issues being contested between Rollins and the administration of his department are still under way, and are still being sorted out by the authorities properly empowered to deal with such matters. As such, even if there were an issue that might somehow fall under the purview of the Ethics Commission, intervening at this time would unnecessarily risk interfering with or hindering those processes.

The investigator considered the allegation of exploitation of official position with respect to complainant's claim that subject Coffey had misrepresented as witnesses in an internal investigation workers with whom Coffey had not actually spoken. Each of the four witnesses signed a notarized affidavit attesting that they had never participated in an investigation into Rollins' claims of harassment and retaliation.

Investigator spoke with three of the four named witnesses (the investigator did not reach witness Hart). Each of the three reiterated that they were not interviewed as part of an investigation into Rollins' complaints. Coffey recalls talking with witness Cobarco, who was the supervisor of the other three witnesses. Coffey also spoke with Botner, and from those interviews was apparently able to conclude that Rollins' retaliation claim was without merit. It appears Coffey considered speaking with the other three witnesses, who were Rollins' co-workers in the relevant office area, and listed them as witnesses for that reason, but subsequently opted not to speak with them on the matter. Coffey could not recall why he decided against speaking with them.

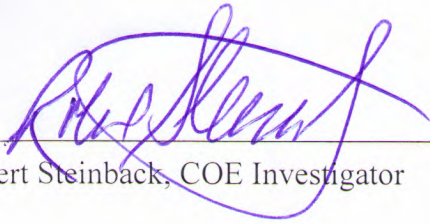
No other information was revealed in the witness interviews that suggested a foundation for a claim of exploitation of position against Coffey.

Conclusion(s):

Rollins is not a whistleblower and was not retaliated against as such; his issues with the department are of a personnel nature.

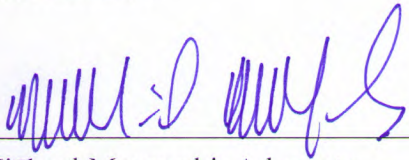
There is no support for the allegation that Coffey falsified his report or that he exploited his official position. There are no statements in the report that are attributed to the witnesses Rollins claims were not interviewed.

Therefore, this matter should be closed with no further action.

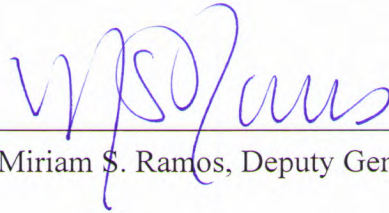


Robert Steinback, COE Investigator

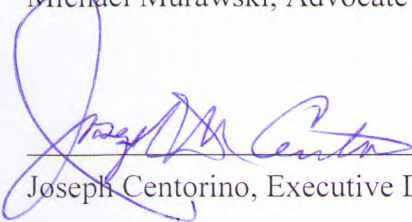
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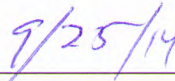
Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director



Date