

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K #: K11-103

Date Opened: 7/25/11

Date Closed: 5/18/12

Name of investigator: Manuel W. Diaz, Ken Rosario

Allegation:

Joe Centorino (Centorino), Former Chief of Public Corruption, Miami-Dade State Attorney Office, provided the following concerning Lieutenant Daniel Llano Montes (Llano Montes), a member of the Miami-Dade Police Department (MDPD). Centorino's email stated, "MDPD Major Daniel Llano Montes - assigned to MIA – Allegations surfaced last week regarding Montes requesting VIP treatment, free airline tickets, etc. – 'demoted' a few days ago and supposedly took leave of absence today". ----- Centorino to Murawski, May 20, 2011(Copy in investigative file).

Applicable Legislation:

Miami Dade County Conflict of Interest and Code of Ethics Ordinance
Sec. 2-11.1 (g)

(1) Definition. The term "gift" shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise or in any other form, without adequate and lawful consideration.

(3) Prohibitions. A person described in Subsection (b) (1) through (6) shall neither solicit nor demand any gift. It is also unlawful for any person or entity to offer, give, or agree to give to any person included in the term defined in Subsection (b)(1) through (6) or for

any person included in the term defined in Subsection (b)(1) through (6) to accept or agree to accept from another person or entity, any gift for or because of:

(4) Disclosure. Any person included in the term defined in Subsection (b)(1) through (6) shall disclose as provided herein any gift, or series of gifts from any one person or entity, having a value in excess of one hundred dollars (\$100.00).

Investigation:

The COE initiated an investigation to determine if Llano Montes used his position, as a Major, to obtain "VIP" treatment, free tickets and/or any other benefits during an American Airlines (AA) flight from Miami to Barcelona, Spain.

Interviews:

James Loftus (Loftus) – Director, MDPD

Loftus was interviewed in his office by COE Investigators. Loftus advised that Llano Montes was a member of the staff of the MDPD. Loftus stated that he received information from sources that Llano Montes had accepted an upgrade (from economy to first class) on a flight from Miami to Barcelona, Spain. According to Loftus, accepting an upgrade on any airline is in violation of a MDPD directive previously published by Llano Montes and approved by Loftus.

Loftus advised that when he was informed that Llano Montes had allegedly violated his directive, he called him to come into his office, where he gave Llano Montes the opportunity to explain. After the session, he advised Llano Montes that he was to be demoted. Present was Janet Lewis, Senior Bureau Commander, Police Legal Bureau. Loftus declined to reveal the source of the information.

Daniel Llano-Montes - Lieutenant , MDPD

Llano Montes was sent a COE letter. He contacted the COE and advised that he was represented by Attorney Andre Rouviere (Rouviere), Law Offices of Andre A. Rouviere, Esq., 2701 South Bayshore Drive, Suite 315, Miami, Florida 33133. Llano-Montes declined to comment further and referred Investigators to Rouviere.

Andre Rouviere – Llanos Montes' Attorney

Rouviere was contacted by COE Investigators. He advised that he had been told by Llano Montes that he and his wife received, but never solicited an upgrade from economy to first class on a flight from Miami to New York. Llano Montes called AA reservations and booked economy flights from Miami to Barcelona, Spain via New York. He purchased four (4) tickets (two sets), with his credit card, one set being for him and his wife and the second set for traveling companions Felix and Denise Lopez (the Lopezes). After speaking to the Lopezes, he learned that they wished to book their own flights using their own credit card. Llano Montes contacted AA reservations and had the billing changed.

On the day of the flight, Llano Montes and his wife arrived at the airport along with the Lopezes. They boarded the aircraft. The Llano Monteses sitting in their respective seats and the Lopezes in theirs. Prior to departure, two passengers approached Llano Montes and his wife and advised that they had boarding passes for the same seats. After discussion between the passengers including a flight attendant, the Llano Monteses were directed by the flight attendant to be seated in first class. They remained in the first class for the duration of the flight to New York.

On the second leg of the flight (New York to Barcelona) the Llano Monteses were seated by AA in first class prior to departure. Rouviere advised Investigators that Llano Montes gave up his first class seat to Mrs. Lopez and sat in economy class with Mr. Lopez.

Rouviere advised that he was told by Llano Montes that he never requested an upgrade on the flight from Miami to New York, and that once advised that he was to move by the flight staff, he complied. As for the flight from New York to Barcelona, Rouviere was told by Llano Montes that prior to the departure from New York he was told that his status was upgraded and that, like at Miami International Airport (MIA), he never requested the upgrade.

Felix Lopez – fellow traveler

Lopez was interviewed and the interview was recorded. He advised that his family and the Llano Montes family have been friends for several years. The two couples decided to travel to Spain together on vacation. Llano Montes initially purchased the four (4) economy tickets for the two couples on his credit card. Lopez advised Llano Montes that he wanted to pay for the tickets using his credit card. He advised that his credit card had a cancellation reimbursement provision if the vacation were to be cancelled. Llano Montes arranged for the separate payments.

The Lopezes and the Llano-Monteses arrived at MIA and proceeded to board the aircraft. Once on the aircraft, the Lopezes and the Llano Monteses sat in their respective seat in economy class. After seating, the Llano Monteses were approached by a couple who advised that they had boarding passes for the Llano Monteses seats. Neither Lopez nor his wife participated in the discussion. Lopez did overhear some of the conversation. He then observed the Llano Monteses moving to first class. Llano Montes and his wife remained in first class for the duration of the flight. According to Lopez, he and Llano-Montes did not discuss either of upgrades during or after the flight.

Doreen Osa – Travel Agent, AA – MIA

Osa was interviewed at AA, Security Office at MIA. Osa appeared in response to a COE subpoena. She was represented by Douglas Cotton (Cotton), Senior Attorney, AA, Legal Department. The interview was sworn and recorded.

Osa advised that she was a travel agent and worked on the main floor at the AA MIA terminal. According to Osa, Llano Montes approached her and asked to purchase four (4) round trip tickets to Barcelona, Spain. He reserved the flights, but did not pay for them. He advised that he had to speak to his wife. The next day, Gus Gisconte (Gisconte), a MDPD officer, came to her work area, representing Llano Montes, to purchase the tickets. Gisconte attempted to pay for the tickets with Llano Montes credit

card. Osa was unable to issue the tickets receipts because Llano Montes had, after making the reservations, tried to change the reservations. Osa had to contact Concha Gillen (Gillen), her supervisor, to override the entry. Gillen was introduced to Gisconte by Osa. Gillen approved the entry and Osa issued the Llano-Monteses' ticket receipts.

According to Osa, she asked Gillen if she could upgrade them from economy to first class. Gillen responded that she needs to get approval from her supervisor. Gillen responded, with something similar to; "whatever he needs, do it for him, he is the major". Osa advised that after speaking to Gillen, she issued the tickets. She believes that Gillen placed Llano-Montes on the standby list for upgrade.

Concha Gillen, Supervisor of Operations, AA – MIA

Gillen was interviewed in the Security Office, AA at MIA. Gillen appeared in response to a COE subpoena. She was represented by Cotton. The interview was sworn and recorded.

Gillen advised that she was Osa's supervisor. She recalled that Osa had contacted her with reference to airline tickets purchased by Llano-Montes. She advised that she does not know Llano-Montes, but knew at the time that he was a MDPD Major assigned to MIA. She recalled that Osa had problems with issuing the ticket receipts. Gillen advised that Osa asked if Llano-Montes could be upgraded in flight status from economy to first class. Gillen advised Osa that she would have to get approval from her supervisor. After receiving approval from her supervisor, Gillen placed the Llano Monteses on a standby waiting list.

Gillen advised of the following ticketing and gate procedures. Ticket receipts are issued by MIA AA ticketing agents (Osa). Boarding passes are either issued online or at the airport prior to departure. Boarding passes are processed at the flight gates. Boarding passes are inspected by gate personnel and processed at the time a passenger boards. It is unlikely that a passenger can board an aircraft without their boarding pass being processed. Passengers are advised prior to boarding by gate

personnel if their flight status has been upgraded. It is unusual for two sets of passengers to board an aircraft with the same seats, i.e. two sets of passengers cannot be issued the same seats. Boarding passes are collected by gate personnel when their flight status is upgraded, and new boarding passes reflecting the upgrade are issued.

The scenario as relayed to Investigators by Rouviere was presented to Gillen. In her opinion, Gillen again explained, that it would be highly unlikely that two sets of passengers could board an aircraft holding the same set of boarding passes. She re-stated that if the Llano-Monteses were upgraded, their old boarding passes should have been collected at the gate.

Gillen, since she was not present, would not comment on what happened when the Llano Monteses entered the aircraft. She commented that aircraft personnel have the authority to re-seat passengers once they have entered the aircraft. Gillen advised that standby upgrades are only used if there are available seats on the aircraft. If there are no available seats on the aircraft, there are no upgrades. Also her authority to place individuals on the upgrade standby list only applies to flights leaving MIA. She said she has no authority to place passengers on upgrade standby lists for flights leaving New York.

Douglas Cotton - Senior Attorney, AA, Legal Department.

Cotton, as legal counsel to American Airlines, conducted an independent investigation into the circumstances which lead to the placing of the Llano Monteses on the standby upgrade list. He advised that he interviewed a number of individuals in Miami and New York. He found no indication that Llano Montes used his position as a Major to influence any AA employee to place his name and the name of his wife on the upgrade standby list for flights from Miami to New York or from New York to Barcelona, Spain.

Summary of Facts:

1. Llano Montes was demoted from Major to Lieutenant by Director Loftus, for accepting an upgrade in flight status in violation of MDPD policy.
2. Llano Montes is represented by Rouviere. Rouviere, on behalf of Llano Montes, acknowledged Llanos Montes received an upgrade for him and his wife on flights from Miami to New York and from New York to Barcelona, Spain. Rouviere also advised that Llano Montes did not request the upgrade, nor was Llano Montes aware of the upgrade until after boarding the flight in Miami. Llano Montes did not know of the upgrade from New York to Barcelona until he arrived in New York. Rouviere advised that Llano Montes, aware of the MDPD policy, protested the upgrades. Rouviere further advised that Llano Montes, when arriving in New York, refused to accept a second upgrade and traded seats with a traveling companion for the remainder of the travel.
3. Osa, the AA booking agent, testified that she requested that Llano Montes and his wife be placed on a standby upgrade list for the flight. She also testified that she did so without discussing it with Llano Montes.
4. Gillen, an AA Operations Supervisor, and Osa's supervisor testified that she, without discussing it with Llano Montes, placed him and his wife on a standby upgrade list for the flight.
5. Cotton advised that he conducted a review of the circumstance leading to the placing of Llano Montes on the upgrade standby list at MIA and in New York. He advised that he could not find any evidence that Llano Montes had used his position with MDPD to obtain the flight upgrade.

CONCLUSION:

There is insufficient evidence to establish that Llano Montes exploited his official position or solicited a gift. Accordingly, the case is closed without further action.