

Biscayne Building  
19 W. Flagler St., Suite 820  
Miami, FL 33130  
Phone (305) 579-2594  
Fax (305) 579-0273

**Commission on Ethics &  
Public Trust  
Miami-Dade County**

# Memorandum

To: Michael Murawski, Advocate

From: Breno Penichet, Investigator

Date: December 10, 2012

Re: K12-170 Jesus Garcia

---

On November 30, 2012 Mr. Jesus Garcia (Garcia) came to our office (COE) in order to meet with COE Investigators regarding complaint C10-40, that he filed against Special Agent Michael Auch (Auch) Office of the Inspector General (OIG). Garcia filed the complaint on December 03, 2010 alleging that Auch provided false testimony during the disciplinary proceedings, and was friends with someone related to the magistrate (Blanco) who conducted the Value Adjustment Board Hearing at the center of the investigation.

The complaint was set aside by the Ethics Commission until the administrative proceedings was done. Garcia was reinstated and signed an agreement with Miami Dade County (MDC).

On the day Garcia met with COE Investigators K. Rosario and B. Penichet he was given an opportunity to go over his complaint and provide any additional evidence that had not been presented at the time of the disciplinary hearing.

Garcia was not able to provide any additional information, in fact most of his statements were mainly based on supposition and conjecture. Garcia provided documents authored by him that only stated his version.

At this time Garcia was advised that his complaint would not be investigated any further due to the fact the close out report from Arbitrator William Mc Ginnis (Mc Ginnis), dated September 2<sup>nd</sup> 2011 declared the investigation to be "*prompt, thorough and extensive*".

Mc Ginnis goes on to state "*Although the grievant complained of bias, he presented no credible or compelling evidence to support such contentions*".

COE Investigators reviewed all the paper work that was received from Garcia, no new information was found. Garcia did advise that he was in litigation with MDC, Case number 2011-40314-CA-01. Assistant County Attorney Eric Rodriguez was contacted and advised that these proceedings have no bearing on our case.

All the above information was discussed with Advocate M. Murawski; he advised that no further action is to be taken. Case Closed.