

Biscayne Building  
19 West Flagler Street  
Suite 220  
Miami, Florida 33130  
Phone: (305) 579-2594  
Fax: (305) 579-2656

## Miami-Dade County Commission on Ethics and Public Trust

# Memo

**To:** File

**From:** Karl Ross, ethics investigator

**Date:** May 24, 2012

**Re:** K12-079 Surfside Parks Director Tim Milian

---

**Close-out:** The above-captioned case was opened pursuant to information provided by a former Surfside maintenance worker who made a walk-in visit to COE on May 7 to advise as to possible unethical conduct by Surfside parks officials. The source of this information, Erich Luzaraga, had recently been terminated from the parks department resulting from disagreements with his supervisors. As a result of his visit, COE decided to look into two matters he regarded as improper: 1.) the alleged misuse of a town vehicle by Parks Director Tim Milian, and 2.) acts of alleged favoritism and possible exploitation by Milian as it relates to a subordinate, Jackie Villagran, hired by the town as a lifeguard and later an Aquatic Facility Manager.

In response, COE contacted Surfside Town Manager Roger Carlton and asked him to look into these matters and to report back to this agency. In a subsequent interview, Carlton advised that the vehicle in question – a Saturn SUV – was not intended to replace a maintenance truck drive by Luzaraga, but was instead intended to be used for “administrative travel” and other purposes, including as a take-home car for Milian. Budget documents provided by Carlton support this finding. While the manager recognized that the truck used by Luzaraga was in poor condition, he said that it was not the town’s intent to replace it at the time the SUV was purchased in 2009. He said that truck, now surplus, was recently replaced with a new vehicle.

As it relates to Milian’s alleged improper relationship with Villagran, Carlton advised that he spoke to Milian and Milian asserts that he has known Villagran since she was 7-years-old and is “something of a mentor” to her. He said that while it is true that she

did not perform a swim test prior to being hired as a lifeguard, it is also true that the city had no formal policy at the time requiring such a test. He said that as a result of a previous COE investigation into this and other matters, such a policy was adopted. The findings of that case (K09-135) were that no violation of the ethics code occurred, which Carlton cited as evidence that no impropriety occurred.

Carlton further supplied a copy of Mr. Luzaraga's federal discrimination complaint with the U.S. Equal Employment Opportunity Commission, which was dismissed on May 15, 2012. Accordingly, it has been decided this case should be closed.