

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K #: K 12-090

Date Opened: June 19, 2012

Date Closed: July 19, 2012

Name of Investigator: Manuel W. Diaz

Allegation:

The COE received a complaint alleging that City of Homestead (Homestead) Police Sergeant Yanko Rodriguez (Rodriguez) was receiving double pay for working as both a Homestead Police Sergeant and at the same time working as the Police Department's Special Events Coordinator (SEC). The complainant directed the allegation to Homestead Police Chief Alexander Rolle (Rolle), advising that he appointed Rodriguez as the SEC and permits Rodriguez to perform as SEC during his normal working hours.

Applicable Legislation:

Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec.2-11.1

“(g) Exploitation of official position prohibited. No person included in the terms defined in Subsections (b) (1) through (6) and (b) (13) 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.”

Interviews:

FH HomesteadFOP13@gmail.com (FH)

FH contacted the COE with an anonymous complaint. FH refused to identify himself for fear of retaliation from Rolle. Several emails were exchanged between the COE and FH stressing the need for cooperation. FH was encouraged to provide witness names or documentation to substantiate the allegations. (Copies in file.)

Alexander Rolle – Chief of Police, City of Homestead, Florida

Rolle was contacted and advised of the complaint. He advised that outside employments/off-duty work for the department are coordinated through the Homestead Fraternal Order Police (FOP) Lodge #13.

Rolle advised that the department has had several different SEC's in the past years. The SEC's have been civilians and because of their civilian status they have lacked the authority to discipline sworn officers for not complying with departmental policies. In May, he assigned Rodriguez as the department's SEC. He instructed Rodriguez that any work as SEC was to be performed while Rodriguez was off-duty. Rolle emphasized that Rodriguez may receive calls as the SEC from prospective outside/off-duty employers while on-duty, however, any coordination of off-duty work must be performed during Rodriguez' off-duty hours. Rolle advised the FOP provides Rodriguez with a lap top computer and reimburses Rodriguez for his telephone usage.

Sergeant Yanko Rodriguez - Homestead SEC

Rodriguez was interviewed via telephone. He advised that he is the department's SEC and that all SEC work, by direction from Rolle, is to be performed during his off-duty hours. His current work hours are 0800 hrs-1600 hrs and his days off are Sunday and Monday. Rodriguez is paid five hundred dollars (\$500.00) per month by the FOP, not the Police Department, as the SEC. He advised that the FOP also provides him a lap top computer and reimburses him for telephone usage.

Rodriguez provided a copy of a memorandum from Rolle, advising him that he is prohibited from coordinating work as the department's SEC during his normal work hours. The

Rolle memorandum advises Rodriguez that he can receive calls from prospective employers while on duty but he cannot coordinate the work. (Copy in file.)

Rodriguez advised that he coordinates, contacts officers, prepares departmental reports, writes checks and returns prospective employers calls before or after his normal working hours or during his days off. He also advised that in July his shift will change from 0800 hrs – 1600 hrs to 1600 hrs – 24:00 hrs, due to the department's normal rotation schedule. He will maintain the same days off.

Detective Fernando Morales (Morales) - President of Homestead FOP

Morales advised that the FOP is an organization that represents the interests of members of the department, but is not the employee collective bargaining unit for the rank and file. The FOP, by agreement with the City, coordinates the Police Department's outside employment/off-duty assignments. The FOP receives a percentage of the off duty assignments for coordinating them. Sergeant Rodriguez' salary is derived from the percentage that the FOP receives. Sergeant Rodriguez was authorized to work by Rolle.

CONCLUSION:

After discussing the relevant facts with the Ethics Commission Advocate, no violation of the Miami-Dade County Conflict of Interest and Code of Ethics can be identified. Accordingly, this matter is closed with no further action.