



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigators: Manuel W. Diaz, Breno Penichet

Case No.: K14-052	Case Name: Iglesias et al	Date Open:	CASE CLOSED Date: <u>9/17/14</u>
Anonymous	Subject(s): Iglesias, Garrandes, Selts and Gray	6/2/14	

Allegation(s):

The COE received an anonymous correspondence (the Letter) that Miami-Dade County Fire Rescue (MDFR) Captains Abraham Iglesias (Iglesias) and Juan Garrandes (Garrandes), and Fire Officers Patrick Selts (Selts) and Gray O'Hara (O'Hara), were providing training and collecting a fee to train and certify members of MDFR in Advanced Open Water (AOW) diving. The Letter alleged that MDFR equipment was used in the training class. (Letter in file.)

The Letter explained that the Department had recently required that all rescue divers hold an AOW certification. The four named employees, Iglesias, Garrandes, Selts and O'Hara, were certified instructors and had access to county dive equipment, and would conduct the certification classes during their off-hours at a lake located in Broward County.

An investigation was initiated to determine if the four instructors utilized MDFR equipment when conducting the certification training.

Note: On April 24, 2014, Flora Seff (Seff), MDFR Senior Legal Liason, requested clarification as to whether Garrandes was in violation of the ethics code. In her request, she inquired if Garrandes had violated the MDC Ethics Code in providing training to MDFR personnel while in an off-duty capacity. (Letter in file.)

In response, the COE opined that Garrandes outside employment, teaching MDFR employees, would conflict with his duties to the County or impair his independent judgment in the performance of his public duties. (INQ-138). (See Diaz-Greco email to Seff in file.)

On July 28, 2014, Garrandes submitted a letter to the COE entitled "Clarification for denial of

outside employment teaching Advanced Open Water.” In the letter, he detailed his off-duty work as an instructor and requested that the COE reconsider the opinion provided to Seff. (Letter in file.)

Relevant Ordinances:

Miami Dade County Conflict of Interest and Code of Ethics Ordinance

Sec. 2-11.1(j), *Prohibition on Conflicting employment that would impair independence of judgment*. “No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall accept other employment which would impair his or her independence of judgment in the performance of her or her public duties.”

Sec. 2-11.1(k), *Prohibition on outside employment*. “(2) All full-time County and municipal employees engaged in outside employment for any person, firm, corporation or entity other than Miami-Dade County, or the respective municipality...must file, under oath, an annual report indicating the source of the outside employment, the nature of the work being done pursuant to the same and any amount or types of money or other consideration received by the employee from said outside employment...”

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.”

Investigation:

Interviews

Flora Seff and Chief Jeff Strickland (Strickland)

Seff and Strickland were contacted at the MDFR Headquarters Building. They were provided with a copy of the anonymous letter and advised that although the letter contained a number of allegations, the COE investigation would only address the use of MDFR equipment to conduct the certification training. The COE would also consider if the employees requested permission for outside employment and filed the required Source of Income Statement with the Elections Department.

Strickland confirmed that Iglesias was assigned to the MDFR Training Bureau as an instructor. Garrandes would provide training on duty if necessary. He advised that Iglesias was in charge of the MDFR Training Bureau dive equipment maintenance and storage. According to Strickland, rescue vehicles had dive equipment assigned. The remainder of the equipment the department maintained was assigned to the training bureau and under Iglesias’ control.

Strickland advised that any logs documenting the use of equipment were maintained by Iglesias.

Seff advised that the MDFR had recently requested a COE Opinion. The request for opinion resulted in the MDFR denying Garrandes permission to conduct certification training for MDFR employees.

Strickland was asked to provide the following.

1. An audit of the dive equipment available to Iglesias and log for the use of the equipment
2. Copies of security video recordings for storage areas for the dive equipment (if available).
3. Records of vehicle locators assigned to Iglesias and Garrandes' assigned vehicles (if available).

Strickland advised that any audit of the MDFR dive equipment would have to be obtained directly from Iglesias. He advised that, as far as he could determine, there were no logs maintained for the use of the dive equipment maintained by the Training Bureau. He advised that the security cameras at the MDFR Headquarters did not cover the area where the dive equipment was stored. Strickland advised that Garrandes' assigned vehicle did not have locators installed.

Strickland provided the names of three MDFR Battalion Chiefs who took Garrandes' AOW course.

Juan Garrandes (Garrandes) – Captain MDFR

Garrandes was interviewed. He was accompanied by Michelle Steele (Steele), IAFF Representative.

Both were permitted to read the anonymous letter. They were advised that the COE was only interested in the reference that MDFR equipment was used in the training class.

Garrandes acknowledged that he has a company and teaches a PADI Advanced Open Water certification class. He acknowledged that he has taught the class in 2014 to a number of MDFR employees. He advised that prior to taking the class he advises all students that they must provide all the dive equipment needed in the class. He added that he has never used any MDFR dive equipment in the classes that he teaches. He advises that he pays \$15 per student rent for the use of Tiger Tail Recreation Center Lake, located adjacent to Broward Community College referred to in the anonymous allegation.

Garrandes acknowledges that because of his assignment, he has a 24-hr. vehicle assigned. He does not take this vehicle to the classes.

Garrandes is an instructor at Miami-Dade College and has worked there for a number of years.

Garrandes owns REEL Biggs Inc., a Florida-for-Profit corporation; the company was

incorporated in 2009. He mentioned that several years ago he had problems with the accountant that he hired for the company and had to fire him. As a result, he has had to re-do many of the company's business records.

He provided an invoice for payment that he provides to his students. The invoice indicates that he charges \$200.00 to his students for the AOW course.

Garrandes provided copies of receipts for the use of the lake. He also presented receipts for some training aids that he uses in his classes. All receipts reflected the payments were made by Garrandes for the items purchased.

Garrandes said that in the past he has submitted requests for permission to work outside the department. He acknowledged that he only keeps copies of the forms when they are returned to him, approved. He advised the requests listed Miami-Dade College, where he works as an instructor and REEL Biggs Inc., where he gives diving classes and operates a charter vessel. The requests were approved. He believes that he has submitted the forms each year.

In 2014, when he applied for permission to work outside the Fire Chief denied all outside work until the COE issued an opinion on Garrandes teaching of MDRF employees.
(See request for opinion contained in file and COE response in file.)

Note: In subsequent conversations with the COE, Garrandes notified the COE that the Fire Chief had reconsidered his request 2014 for outside employment and approved the request. The Chief advised Garrandes to contact the COE directly if he had any concerns with the opinion it had issued. (Letter in the file "Clarification for denial of outside employment teaching Advanced Open Water.")

Garrandes advised investigators that when he learned of the COE investigation he sent out a blanket e-mail to the MDRF employees who had taken the AOW course. One of the questions Garrandes asked was if he had used any MDRF equipment during the class. Garrandes advised COE Investigators that he had received 23 responses. Investigators reviewed the responses. Of the 23 responses, 16 answered that there was no MDRF equipment used in the training. The other individuals emailed did not answer the question concerning the use of MDRF equipment. (The responses have been placed in the investigative file.)

Garrandes provided the COE with computer printout generated through PADI of the number of AOW certifications that he authorized for 2011, 2012, 2013 and 2014.

The PADI print-out indicates that in 2014 he trained and certified **45** AOW divers; in 2013 he certified **5** divers; in 2012 he certified **1** diver; and in 2011 he certified **1** diver. He explained that the 45 divers for 2014 reflected MDRF employees. The remainder of the divers for 2013, 2012, and 2011 were friends or family members and he did not receive any payment.

Garrandes was advised that a review of the Request for Outside Employment forms maintained by MDRF indicated that he had not submitted a number of forms as required. In addition, a review of the Supervisor of Elections web site indicated that he had not submitted Outside Employment Statements for several years. (See chart below).

COE Advocate Murawski determined that Garrandes could comply by submitting the missing documents. Garrandes agreed to comply by submitting originals of the missing documents to MDFR for distribution. Garrandes submitted copies to the COE for the investigative file. The copies were marked by Garrandes as "Duplicate." The originals were stamped as received by the MDFR Personnel Bureau.

Documents provided by Garrandes:

Request for Outside Employment for 2011 for MDC
Outside Employment Statement for 2011 for MDC
Request for Outside Employment for 2011 for Reel Biggs
Outside Employment Statement for 2011 for Reel Biggs

Request for Outside Employment for 2012 for Reel Biggs
Outside Employment Statement for 2012 for Reel Biggs

Request for Outside Employment for 2013 for MDC
Outside Employment Statement for MDC for 2013
Request for Outside Employment for 2013 for Reel Biggs
Outside Employment Statement for Reel Biggs for 2013

Ibrahim Iglesias (Iglesias) - Captain MDFR

Iglesias is the commander of the MDFR Dive Bureau. He was accompanied by Steele.

Iglesias denied the allegations in the anonymous letter. According to Iglesias, he does not have any outside employment. He has never requested permission to work outside employment from MDFR to teach dive courses. He has never filed any Source of Income statements. Iglesias did teach MDFR employees but all of his teaching is done while on duty and to MDFR employees. He advised that, to his knowledge, no MDFR equipment has been used by any MDFR employee to teach OAW courses or any other dive courses outside of the MDFR.

He provided the COE with computer printout generated through PADI of the number of OAW certifications that he authorized for 2011, 2012, 2013 and 2014.

The PADI print-out indicates that in 2014 he trained and certified **16** AOW divers; in 2013 he certified **0** divers; in 2012 he certified **0** divers; and in 2011 he certified **0** divers. He explained that the 15 divers for 2014 reflected MDFR employees. One of the 16 divers one was a relative and he did not charge for the training.

Grady O'Hara (O'Hara) – Firefighter MDFR

O'Hara is assigned to the MDFR dive Bureau. He was accompanied by Steele..

O'Hara explained that he was assigned in a light duty status as a result of a work related injury. According to O'Hara, he maintains a number of dive related professional certifications. He only teaches MDFR employees while on duty. He has no outside employment. He has never requested permission to work outside employment. He has never submitted a Source of Income Statement.

He provided the COE with computer printout generated through PADI of the number of AOW certifications that he authorized for 2011, 2012, 2013 and 2014.

The PADI printed-out indicates that in 2014 he certified **0** divers in 2013 he certified **0** divers in 2012 he certified **0** divers and in 2011 he certified **0** divers.

MDFR Battalion Chiefs

Kenneth Williams (Williams) - Battalion Chief MDFR

Williams confirmed that he took the AOW course. He stated that Garrandes did not use any MDFR equipment during the course

Todd Garafalo (Garafalo) – Battalion Chief MDFR.

Garafalo confirmed that he took the AOW course. He stated that Garrandes did not use any MDFR equipment during the course.

Vincent Shevlin (Shevlin) – Battalion Chief MDFR

Two attempts were made to contact Shevlin. Both attempts were un successful.

Jack Patrick Selts, Captain MDFR (retired)

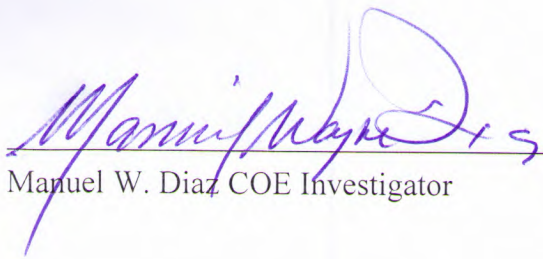
Selts was not contacted. Miami-Dade County personnel records were queried and indicated that he retired effective 4/29/12. The allegation that he participated in AOW training along with Iglesias, Garrandes and O'Hara as a MDFR employee in 2014 could not have occurred

Documents Reviewed:**Garrandes forms obtained from MDFR and the Supervisor of Elections**

Year Ending	Approval	Where	Form	Filed Y/N
2011	N/A	MD College	Outside Employment Statement	N
	N/A	Reel Biggs	Outside Employment Statement	N
2012	N/A	MD College	Outside Employment Statement	Y
	N/A	Reel Biggs	Outside Employment Statement	Y
2013	N/A	MD College	Outside Employment Statement	N
	N/A	Reel Biggs	Outside Employment Statement	N
2014	N/A	MD College	Outside Employment Statement	N/A
	N/A	Reel Biggs	Outside Employment Statement	N/A
2011		MD College	Request for Outside	N
2012	Y	MD College	Request for Outside	Y
2013	Y	MD College	Request for Outside	Y
2014	Y	Reel Biggs	Request for Outside	Y
2014	Y	MD College	Request for Outside	Y

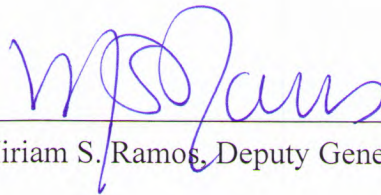
Conclusions:

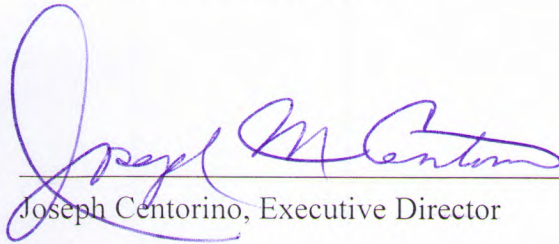
No evidence was obtained to sustain a complaint that MDFR equipment was used to teach AOW dive classes during off-duty hours. Subjects that were delinquent in filing required disclosures regarding outside employment have come into compliance. Therefore, this matter should be closed with no further action.



Manuel W. Diaz COE Investigator

Approved by:


Michael Murawski, Advocate


Miriam S. Ramos, Deputy General Counsel


Joseph Centorino, Executive Director


Date