



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

**Investigative Report**

**CASE  
CLOSED**

**Investigator:** Karl Ross

Date: 11/13/2015

<b>Case PI 15-020</b>	<b>Case Name: Emilio Gonzalez Hiring/ Chiller Plant</b>	<b><u>Date Open:</u></b>	<b><u>Date Closed:</u></b>
<b>Complainant(s): Fernando Infante</b>	<b>Subject(s): Milton Hernandez, Dennis Gonzalez, Emilio Gonzalez</b>	June 23, 2015	Nov. 13, 2015

**Allegation(s):**

On June 22, COE received an anonymous tip on the hotline regarding alleged irregularities at the North District Water Chilling Plant (hereinafter “the plant”), specifically that the father of the assistant director of the County’s Utilities and Facilities Division was improperly hired through a temporary employment agency and that he was allowed to work unsupervised in a job overseeing the plant, despite allegedly lacking the qualifications for the job.

The individual who provided the hotline tip, Fernando Infante, later asked his name be noted on the record. Mr. Infante is the “lead worker” at the plant, and for a time supervised the employee in question – Emilio Gonzalez, who has since been re-assigned to another facility.

**Relevant Ordinances:**

Miami-Dade County Code, Sec. 2-11.1(g), *Exploitation of official position prohibited*, stating in applicable part that no person ... “shall use or attempt to use his official position to secure special privileges or exemptions for himself or others ...”

Miami-Dade County Code, Sec. 2-11.1(p), *Recommending professional services*, stating in applicable part that no person ... “may recommend the service of any lawyer or law firm, architect or architectural firm, public relations firm or any other person or firm, professional or otherwise, to assist in any transaction involving the County or any of its agencies ...”

**Investigation:**

**Interviews**

Fernando Infante, chiller plant lead operator  
Miami-Dade County Internal Services Department  
Phone: (305) 372-3071  
June 23, 2015

Infante advised that in April 2013, the Utilities Manager at Miami-Dade ISD hired the father of a co-worker through a temporary employment agency in an act of possible exploitation. The manager in question – Milton Hernandez – allegedly hired the father of Dennys Gonzalez, ISD’s assistant direct of Utilities and Facilities. Both reported to the division director for Utilities and Facilities, Jerry Hall, at the time of the questionable hire. (He said Hall retired, and that the director is now Juan Silva, formerly building manager at the SPCC.)

Infante said Dennys Gonzalez’s father – Emilio Gonzalez – is in his 70s and has no relevant technical background, and no prior experience that would make him qualified to serve as the County’s on-site representative at the North District Water Chilling Plant on NE 11th Street and 1st Avenue downtown. He said the plant was privately operated at the time and the County was in the process of taking over the plant from the private contractor.

Infante described the plant as a “critical facility” and one that is “high voltage.” The plant provides air conditioning to the new Children’s Courthouse, the Hickman Center, the Stephen P. Clark Center and other County and private customers in the vicinity, including the American Airlines Arena. He said Emilio Gonzalez was allowed to fill out his own time cards and had minimal oversight while at the North District plant.

He also said that while other temporary employees hired at about the same time as Gonzalez were required to take time off, unpaid – in some cases weeks – so as not to lose their temporary status, Emilio Gonzalez was not required to take any time off because of alleged favorable treatment. He said that as many as eight temporary workers were hired, and that of those, four or five continue to work on a temporary basis for ISD.

Infante said that several months after Emilio Gonzalez was assigned to the chiller plant, he was hired to supervise him, adding that Gonzalez’s duties were limited to clerical tasks since he lacked relevant technical expertise. He said that Gonzalez was not used productively.

He said Gonzalez has since been transferred to the Central Support Facility – across from the main library and behind the County garage – and that Gonzalez does not appear to have any significant job responsibilities and continues to work for the County on a temporary basis.

On June 25, Infante sent an email to this investigator stating that he wanted to state his concerns on the record and that his name should be added to the file. In a subsequent conversation on July 1, he provided additional information, as follows:

Infante stated Emilio Gonzalez previously worked as a communications engineer in Cuba, and that his job with the Cuban government was to block radio and TV signals from the U.S. government – i.e., Radio Marti, TV Marti. Infante said this field was similar to electrical engineering, but had little relevance for overseeing a mechanical facility such as the chiller plant, which would require experience in air conditioning and mechanical systems.

Infante said ISD had another employee already on staff with appropriate qualifications – Jorge Luis Vigoa, who held a degree in mechanical engineering and had experience in the field. He said Vigoa was overlooked in favor of Emilio Gonzalez, despite the latter's lack of experience. He said that Kevin Faris, the facility supervisor under Con Edison's BGA subsidiary that operated the chiller plant at the time, initially complained about Emilio Gonzalez and his lack of qualifications. Infante maintains Faris later came to appreciate Gonzalez's ineptitude since BGA was in the process of turning over the facility to the County and that many of the problems caused by BGA were allowed to go undetected as a result of the alleged failure of Emilio Gonzalez to identify any of these operational deficiencies.

Oct. 7, 2015

Mr. Infante was further interviewed during a field visit to the NDCP at the date shown above. He advised that the job of plant operator is physically demanding, and said the requirements would be beyond that of a 70-year-old individual with health conditions. He said that a plant operator would have to periodically inspect the cooling tanks on top of the facility, and that this requires climbing an exposed metal ladder. He said malfunctions and emergencies are commonplace, and would involve a swift response. He said that, for example, a refrigerant leak recently occurred and required immediate repair. He advised that Gonzalez was unable to perform any of these functions, and further that while he supervised him Gonzalez did not demonstrate competency in monitoring the system of alarms and controls shown on desktop computers in the main office. He said that the only work product he received from Gonzalez was in Spanish, and stated that he did not feel Gonzalez was proficient in English. He said the private operator who oversaw plant operations at the time of the hire – Kevin Faris – initially said he did not feel Gonzalez was equipped for the position, but later changed his opinion – ostensibly because the alleged lack of effective oversight made his job easier. Infante said this allowed the former operator, Con Edison, to conceal ongoing maintenance problems.

Juan Silva, Physical Plant Manager  
Miami-Dade Co. Internal Services Division  
Phone: (305) 375-3907  
Aug. 10, 2015

Mr. Silva advised that he had been dealing with some personnel issues surrounding the complainant, Infante. He described Infante as “a very capable, good engineer,” but added he is “not a people person.” He said Infante's failure to get along with co-workers could lead him to

lose his status as “lead worker” at the North District plant. He said he was aware of some of the concerns raised about Emilo Gonzalez, but said he was not present at the time Gonzalez was hired and said the person most familiar with the process would be Milton Hernandez. He said he was not aware of a close relationship between Hernandez and Dennys Gonzalez, the assistant manager of ISD’s Utilities and Facilities Division. He said he was aware that the elder Gonzalez and as many as eight or 10 other workers were hired on a temporary basis.

Silva said temporary workers are not given performance evaluations. He said that, as far as he was aware, Emilio Gonzalez was working in a productive fashion at the Central District chiller plant. He said Gonzalez helps monitor operations and assists with repairs and maintenance. He said he was not hired through Human Resources but internally at ISD. COE requested that Mr. Hernandez be made available to explain the hiring process and provide records relating to the use of the temp agency to hire Mr. Gonzalez and the other temporary workers.

Gwen Harris, Regional Operations Manager

Alpha 1 Staffing/ Search Firm

Phone: (305) 620-3633

Sept. 11, 2015

In response to an email request, Ms. Harris contacted COE and provided information relating to the 2013 hiring of Emilio Gonzalez by Miami-Dade County ISD.

She advised that Mr. Gonzalez was processed at Alpha 1’s Miami office on March 25, 2013. She said he was evaluated by an employee of that office named Sandra Stewart, and that Ms. Stewart was new to the agency and could be expected to have treated Gonzalez in by-the-book fashion. She said that Ms. Stewart rated Gonzalez as a job applicant and gave him high marks – all 4s on a scale of 1 to 5 – in categories including image, attitude, speech, communications, and work experience. Ms. Harris opined that based on this rating, it would appear that Mr. Gonzalez was a viable candidate for the maintenance position with ISD.

Ms. Harris indicated that this would not have been Mr. Gonzalez’s initial contact with Alpha 1, noting that candidates for County positions must undergo background screening prior to being processed. (Mr. Gonzalez was cleared by the County on March 13, according to emails.) She stated that oftentimes County agencies will attempt to steer certain candidates to the agency, but she said that if the candidate in question doesn’t meet the minimum requirements the agency will not refer them. She said that even if somebody seems to have an inside track, Alpha 1 will refer additional candidates to the County department – usually five at a time.

Based on the available information in her system, Ms. Harris said she could not tell whether any other individuals were referred to ISD for interviews in addition to Mr. Gonzalez. She noted that he was again processed as a new hire on April 1, 2013, and found notes about a previously scheduled trip to Spain that Mr. Gonzalez planned to take prior to commencing his part-time employment. Ms. Harris stated that she did not have any further information or internal records regarding Mr. Gonzalez and his recruitment process.

Milton Hernandez, Utilities Manager

ISD Utilities and Facilities Division

Phone: (305) 375-1818

Oct. 2, 2015

Mr. Hernandez was interviewed at the offices of COE in the presence of this investigator and Advocate Michael Murawski. He advised that he had provided all the relevant emails and other documentation in his possession regarding the hiring of Emilio Gonzalez.

Mr. Hernandez stated that at the time Gonzalez was hired, his division was short-handed due to the pending retirement of one of the three chiller plant operators, while another operator was home on extended administrative leave and was not available. He said he did consult with Alpha 1 and they asked him to review the qualifications of temporary workers who were previously referred to ISD for maintenance positions. Hernandez said one of those workers – Jorge Vigoa – did have a mechanical engineering degree, but said that he did not speak English well enough to serve as the liaison to the North District plant.

Mr. Hernandez said that the North District plant liaison would have to notify the County's systems monitoring firm – Siemens – in case of emergency, and that, unlike Mr. Vigoa, Mr. Hernandez did have a sufficient command of English to serve in this capacity.

Mr. Hernandez stated that at the time he was looking for another chiller plant operator, his supervisor at the time, Jerry Hall, and Dennys Gonzalez, his subordinate, advised him Emilio Gonzalez had been referred to Alpha 1 and was interested in applying for the position. He said they asked him to consider the elder Mr. Gonzalez and provided information about his qualifications. He said that found Gonzalez to be qualified because of his training in electrical engineering. He said the North District plant has a feed of 13,000 volts from Florida Power & Light, and that an understanding of electrical systems is important. He said that once Gonzalez cleared his County background check and was processed and approved by Alpha 1, he made a decision to hire him as a temporary worker and assigned him to the North District plant.

Mr. Hernandez said Mr. Gonzalez is currently assigned to the Central Support Facility after he and Infante were unable to get along and Gonzalez requested reassignment. He said Gonzalez told him, "I can't work with this guy," referring to Infante. He said that Gonzalez presently serves in a supervisory capacity at the central plant, earning \$19.60 an hour. He said he has no issues with Mr. Gonzalez's job performance at that facility. He said he has had repeated issues with Mr. Infante, and described his managerial style as "abrasive."

Mr. Hernandez said that because of recurring problems with other ISD workers assigned to the North District plant – at least two others, in addition to Gonzalez – a decision was made to require Infante to take courses in interpersonal relations and anger management. Hernandez said that Infante is very competent from a technical standpoint, but feels he needs to improve his interpersonal skills if he wants to continue as a manager. He said that at one point, after a complaint from another co-worker, he recommended to ISD Plant Manager Silva that Infante be stripped of his "lead worker" status until he learned to get along with co-workers. He feels that this recommendation may have motivated Infante to complain about Gonzalez.

Mr. Hernandez said the NDCP is located at NE 1<sup>st</sup> Avenue and 11<sup>th</sup> Street, and serves a number of County run facilities including the new Children's Courthouse, the Transit Village office buildings and private clients including the American Airlines Arena. He said Infante

presently oversees George Hernandez and Jose Soengas, while a third employee, Ulysses Segura, requested a transfer because he was unable to get along with Infante, as well.

Virginia Washington, Division Director  
Recruitment, Testing and Career Development  
Human Resources Department  
Phone: (305) 375-1793  
Oct. 2, 2015

Ms. Washington said County Administrative Order 7-35 applies to the hiring of temporary workers. She said that temporary agencies cannot be used to circumvent the County's normal hiring practices for full-time positions. She said she recently spoke to Beverly Hall, the DPR for ISD, and that Ms. Hall did advise that ISD sometimes will make referrals to temporary agencies if they have candidates they feel are qualified for temporary positions. She said that this did not, in itself, violate the County's guidelines for temporary hires. She further inquired as to whether Emilio Gonzalez reports to his son, Dennys. In response to this, COE asked Juan Silva at ISD to report the chain of command for Mr. Gonzalez.

Juan Silva, in an Oct. 2 email, replied as follows: "Milton will let you know who Emilio currently report to at the plant. Please note that Emilio has never reported to his son, Dennys Gonzalez, nor was Dennys Gonzalez ever part of the Utilities Section. Additionally, Dennys Gonzalez works for the budget office as of September 14, 2015."

In addition, Milton Hernandez, in an Oct. 2 email, responded as follows: "When Emilio was at NDCP, he reported directly to me until the point when Fernando was there. At that point, he started to report to Fernando. Now that he is at CSF, he reports to Kimany Vazquez (Lead Chiller Plant Operator at CSF) who reports to me."

Virginia Washington, cont ...  
Oct. 14, 2015

Ms. Washington advised she received an email from COE requesting further clarification about any limitations on outside hiring practices, and was advised that temporary hiring is oftentimes left to the discretion of the county department heads. She reiterated that she was not aware of any specific requirement for an open, competitive process.

She did say there was a requirement – per AO 7-35 – to review the status of any temporary employees kept on past one year of service and said ERD would not know about these employees unless the hiring department kept them in the loop. She said she would check with ISD's DPR, Beverly Hall, to see if this was done in the case of Mr. Gonzalez.

Kevin Faris, senior project manager  
Consolidated Edision of New York (Con Edison)  
Phone: (813) 753-9896  
Oct. 8, 2015

Mr. Faris said he worked at the NDCP at the time Mr. Gonzalez was hired by ISD to serve as a County representative at the plant. He said he found Gonzalez to be “very capable” and, “if anything, overqualified” for the position. “He dug right into that plant and tried to find out everything he could,” Faris said, adding that Gonzalez served mainly as a monitor, and was not expected to fix or repair major maintenance issues, but might re-set a breaker or other electronic controls. He said his only criticism of Gonzalez was that he experienced a “language barrier,” since “I don’t speak any Spanish.” Otherwise, he found Gonzalez to be well qualified for the position and said he had no issues with his performance.

Faris said that he also worked with Infante, and described the relationship as strained. “I didn’t really hit it off with Fernandez. ... He came on like he knew it all, but he really had a lot to learn.” He said he was not surprised Infante had a negative opinion of Gonzalez.

Beverly Hall, Senior Human Resources Manager  
Miami-Dade County Internal Services Department  
Phone: (305) 375-4208  
Oct. 15, 2015

Ms. Hall advised that typically division directors are required to get their departmental director’s for temporary hires and, once they have done so, are authorized to contact temporary agencies “and discuss the type of person they are looking for.” With respect to Emilio Gonzalez, she advised that she was not involved in his hiring until the matter was brought to her attention by Milton Hernandez in the Feb. 28, 2013, email stating “I am looking to hire a new temporary employee from Alpha 1 Staffing. His name is Elio Gonzalez ...”

Based on this email, Ms. Hall stated she was under the impression that Mr. Gonzalez had been located by Alpha 1, not by the hiring division. She considered the email “misleading.” She said she did not believe that, based on the available information, that the process was “fair and open,” and she said had she become aware of this in a timely manner, she would have contacted Juan Silva, who oversees FUMDI, to ask that he intercede in the process.

Ms. Hall said she felt it would be inappropriate for personnel at ISD to refer a candidate to a temp agency, and to hire that person absent any competitive process. She said the agency frowns on this practice, but said there are no strict guidelines prohibiting it. She agreed to provide a copy of the County’s guidelines – found in AO 7-21 – for hiring procedures relating to full-time positions. A copy of the AO has since been added to the file.

Ms. Hall stated that, with respect to the process, “Ideally, the temp agency sends over resumes of those they believe meet the needs or criteria.” But she allowed that “in some cases candidates are pre-selected.” She said those instances are contrary to the norms promoted by the county’s HR department (ERD). “There are no guidelines, but our preference and policy is that there be more than one candidate looked at. If they wind up selecting the candidate that they liked, ‘Great.’ But at least they looked at more than one candidate.”

Ms. Hall said that ISD’s Facilities and Utilities Management Division (FUMDI) has had other instances in which the hiring of temporary employees did not follow standard procedures or

best practices. She identified as Livan Curbelo one supervisor at FUMDI, who “has a history of pre-selecting candidates” for temporary employment. She said that Curbelo was at times “pushy” and “demanded” that Gwen Harris of Alpha 1 temporary agency personnel “process right away” individuals he was seeking to hire on a temporary basis.

Hall said Ms. Harris confirmed that Curbelo was attempting to steer candidates through Alpha 1 and influence the hiring process. She further stated that Charlotte Horne was FUMDI’s point of contact, and that could provide additional information about Curbelo. She also mentioned that Miriam Singer, assistant director of ISD, might be interested in the findings.

Lastly, Ms. Hall stated she was not aware of any review by ERD or OMD regarding Mr. Gonzalez’s position, now that he has been employed by ISD for more than one year.

Charlotte Horn, operations manager  
Internal Services Division/ FUMD  
Phone: (305) 375-3231  
Oct. 23, 2015

Ms. Horn advised that, with respect to Emilio Gonzalez, she was not involved in his hiring as a temporary employee of ISD/ FUMD. She stated requests from supervisors for temp workers are usually made through her and that she, in turn, will next seek approval from the division manager – Juan Silva, formerly Jerry Hall. She said that once the approval is obtained, the supervisors will then contact the temporary agencies themselves. She said that although she is usually kept in the loop about all such hires, this was not the case with Mr. Gonzalez – possibly because she was on vacation at the time. She was also queried about the hiring of temporary workers initiated by Livan Curbelo, whose titled is PMRT & PMT Manager, and whether she had any concerns about his role in this matter. She advised that she was not aware of any issues, and could not say whether he was cautioned against any undue interference. She said that it was not uncommon for supervisors to refer workers to temp agencies.

Emilio Gonzalez, subject of investigation  
ISD Central Support Facility  
Phone: (305) 502-6006  
Oct. 29, 2015

Mr. Gonzalez said he had been unemployed for approximately six months prior to applying for the temporary position at ISD/ FUMD. He said he had been working as an engineer at a Boca Raton firm, earning \$85,000 annually. He said he learned about the opening at the NDCP through his son, who told him: “Papi, they have one position [opening] and maybe your qualifications are good, maybe you can apply.” He said his son asked him for a resume, and referred him to Alpha 1 temp agency. He said he filled out paperwork there, and received a call a week later directing him to the county’s HR department for a background check and screening. He said about two weeks after that, he was called in for an interview. He said he was interviewed by former FUMD Director Jerry Hall and Milton Hernandez. He said there may have been a third person, but if so he could not recall who it was.

Mr. Gonzalez said he already knew Jerry Hall through his son, Dennys. He said Hernandez later called him to offer him the temporary position at the chiller plant. He said that he worked alongside Kevin Faris of ConEd once he started there, and said that they experienced a language barrier because of his lack of English and Faris' lack of Spanish. He said that Faris seemed unhappy with him initially, but later they established a good rapport. He said that he reported to Milton on a weekly basis and that was the extent of his oversight.

"My job was, Look out for the county's interests," Gonzalez said, "I made a book. I would take photos if there was a problem and send them to Milton Hernandez."

Asked about the "vast experience in environments with electrical-mechanical-automated and hydraulic power systems," Gonzalez stated that while in Cuba he was director of one of the country's main communications centers. He said that prior to that, he worked as a technician at the same facility, north of Havana, and that he was responsible for the physical plant. He said that he worked on the underground hydraulic system, which is similar to a chiller plant.

Gonzalez, who is 77, stated he earns \$16 an hour as a temporary employee, and that his pay has not increased since he began. He showed investigators, as evidence of his work product, copies of schematic drawings he made to represent the NDCP operating systems, and a list of circuit breakers on a spreadsheet. He also stated he was working on an operational plan for the Central Support Facility, where he is currently assigned and oversees five workers. He said he had very little contact with "Armando," an employee with Siemens that monitors the plant.

Gwen Harris of Alpha 1 was re-interviewed on Oct. 30, 2015

Ms. Harris was asked if she had any knowledge of somebody on her staff telling Milton Hernandez, with respect to the opening at the NDCP, to simply review the qualification of the eight temporary workers already referred to ISD/ FUMD. She stated that she was not aware of any such directive, and stated furthermore that: "No one would have told him that."

Harris said that, at a minimum, her agency would review the qualifications of candidates in its information system and made a referral if any qualified candidates could be found. She said there was no record of this happening with respect to Gonzalez's hiring. She did indicate that another FUMD supervisor, Livan Curbelo, has attempted to pressure her agency to hire individuals that he has pre-selected. "Livan sends his people over and wants us to hire them. It's like he already has a person. But that person still has to go through our process."

*Document/Audio/Video Review:*

Reviewed emails and other information submitted in response to a records request concerning the hiring of Mr. Gonzalez and eight other temporary workers through Alpha AI Staffing/Search Firm, located in Miramar. The February 2013 email for Mr. Gonzalez, from ISD Utilities Manager Milton Hernandez, indicated that Hernandez had been referred to him from Alpha AI and he requested that the County conduct a background check on him. The County completed the background check the following month. However, there, unlike the hiring of the eight temporary workers, there was no email correspondence between Hernandez and Alpha AI regarding Mr. Gonzalez showing he had been hired through Alpha AI.

As a result, COE attempted to call Gwen Harris, an Alpha AI employee, at (954) 734-2752. However, the phone went to a voice mail box for another employee, Jennifer Calerino (phonetic), and a request was made to have a manager at Alpha AI contact COE. An email was also sent to the email address for Ms. Harris to see if she can be located.

Miami-Dade County Administrative Order 7-35, signed and implemented by former County Manager Merrett Stierheim, was reviewed for compatibility with the process used by ISD in the hiring of Emilio Gonzalez. A request was sent to ISD Plant Manager Juan Silva and Facilities and Utilities Division Director Milton Hernandez to find out whether the hiring of Gonzalez's hiring in April 2013 complied with the provision of AO 7-35 cited below:

"Any positions that the hiring department deems necessary to continue under contract for a period greater than one year shall require a review by OMB and ERD to determine whether the establishment of regular County positions properly classified by the ERD is necessary and in the best interest of the County. Should both ERD and OMB determine it appropriate, contractual positions shall be converted to County employee positions."

On Oct. 8, COE reviewed a copy of a job posting for an ISD Utility Plant Operator posted on the County's website in August 2014 to hire individuals to work at the NDCP. The notice called for two years of vocational or trade experience relating to the handling of refrigerants, as well as the ability to perform arc welding and to use an acetylene cutting torch.

On Oct. 19, COE reviewed a copy of Administrative Order 7-21 titled "Personnel Policy for Centralized Employment Services." The AO applies to all "full-time classified and exempt positions," but does not explicitly include temporary personnel. The AO states that: "The policy of Miami-Dade County is to employ qualified persons and to provide uniform hiring procedures Countywide that ensure a fair and merit-oriented personnel system."

**Conclusion(s):**

Based on the above findings, it would appear the placement of Emilio Gonzalez at the North District Chiller Plant did not follow what would be considered “best practices” for such temporary hires. County personnel managers indicated they rely on departmental supervisors to ensure the hiring of temporary employees is done on an open, competitive basis, consistent with the County’s main personnel policy articulated in Administrative Order 7-21, which calls for a “fair and merit-oriented personnel system.” This AO, however, only applies to the hiring of full-time personnel and HR officials advise no formal guidelines exist for the hiring of temporary workers through the County’s contracted temporary agencies. With respect to Mr. Gonzalez, the regional manager at Alpha 1 Staffing/ Search Firm advised that no competitive process was employed to hire Gonzalez for the chiller plant opening.

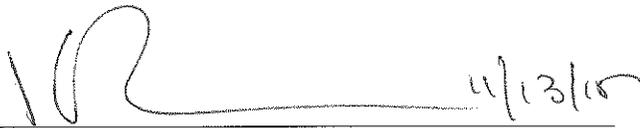
Ms. Harris stated that Gonzalez, as far as she could tell from her records, was referred to her agency at the request of ISD Utilities Manager Milton Hernandez and that he was processed by her staff after an initial interview was conducted. During the interview, Gonzalez was found to be qualified for the position and so he was referred to ISD for placement. She stated that it was very unlikely that anybody on her staff told Mr. Hernandez that instead of posting an opening for the job that he was instructed to review the qualifications of other temporary workers. Hernandez had stated to COE that he was asked to review the qualifications of the eight workers to see if any of them had the requisite education and experience.

The investigation found that one of the eight temporary workers hired for plant maintenance openings did, in fact, have a degree in mechanical engineering, Jorge Vigoa. During an interview, Mr. Hernandez stated that a decision was made not to offer the NDCP position to Vigoa because he was not proficient in English. He said that, by contrast, Gonzalez was more fluent in English and that this was important because, in case of an emergency, Gonzalez might have to communicate with employees at Siemens, a County vendor hired to monitor and trouble shoot critical infrastructure such as the chiller plants. This explanation seems dubious since Mr. Gonzalez, by his own admission, speaks limited English and both he and Kevin Faris, the contractor for Con Ed overseeing the NDCP at the time of Gonzalez’s hiring, stated they encountered a “language barrier.” Gonzalez further stated during his interview that he had only limited communication with a Siemens employee named “Armando,” and that if a problem did arise at the chiller plant he would generally notify Hernandez first.

During an interview, Beverly Hall, Senior Human Resources Manager for the County, stated she considered the process to hire Mr. Gonzalez was flawed and irregular. She said she felt the Feb. 28, 2103, email from Milton Hernandez stating that Gonzalez had been referred by Alpha 1 was “misleading.” She advised that, had she been aware of the lack of a competitive process, would have brought this to the attention of the division’s director, now Juan Silva. She stated that no formal guidelines exist, however, for temporary hiring practices. She said that ISD/ FUMD, the unit that hired Gonzalez, has been similarly flagged in the past. In particular, she noted that Livan Curvelo, a FUMD supervisor, has been known to refer candidates to Alpha 1, and then pressure Alpha 1 staff to hire his candidates. Ms. Harris at Alpha 1 confirmed this.

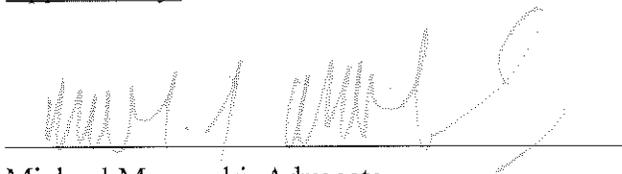
In the final analysis, it would seem that while Mr. Gonzalez is reasonably qualified for the tasks he was hired to perform at the North District Chiller Plant, there is little question that he was hired because of the favorable recommendation of ISD staff. Gonzalez had been out of work for six months, when his son – an employee at ISD/FUMD at the time – suggested he apply for the NDCP opening and passed along his resume to his boss. Gonzalez was then referred to one of the County's temp agencies for processing.

However, it is not a violation of the Ethics Code for a County employee to advise a family member to apply for an open position with the County. The guidelines and practices concerning the hiring of temp employees do not appear to have been violated. This report will be referred to the Inspector General's Office for them to consider any review of the temp employee hiring practice by the County.

 11/13/15

Karl Ross, COE Investigator

Approved by:



Michael Murawski, Advocate

 11/13/15

Joseph Centorino, Executive Director

Addendum to PI 15-020

Interview with Jorge Vigoa, temporary worker/ maintenance

Miami-Dade ISD Central Support Facility

Phone: (786) 356-3056

Nov. 13, 2015

Mr. Vigoa said he was hired by ISD through a temp agency about two years ago. He said he learned about the position from a former ISD employee named Cesar, who was friends with a co-worker of his at the Sherwin Williams paint plant in Hialeah. He said Cesar told him to apply for the job through the Alpha 1 temp agency. He said he filled out an application there, and was later contacted by ISD for an interview. He said he met with Kimani Vazquez and Milton Hernandez, and another man whose name he couldn't recall. He said he was hired at a starting rate of \$11.75 an hour, and now earns 12.50 an hour. He said he has been told by numerous co-workers that he would be "ideal" for openings at the North District Chiller Plant because he has a degree in mechanical engineering and relevant experience from Cuba. He said the reason he was not considered for these opening was his lack of English. Mr. Vigoa said through a translator (Martha Perez) that he has been trying to learn English since arriving in the U.S. from Cuba five years ago, but has had limited success despite courses at Miami Dade College and Rosetta Stone. He said he knows Emilio Gonzalez, but not very well. He said he believes Gonzalez has the experience and qualifications to oversee a chiller plant, noting he holds an electrical engineering degree.