



Miami-Dade Commission on Ethics & Public Trust

Preliminary Inquiry Report

**CASE
CLOSED**

Investigator: Breno Penichet

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| Case PI 15-027 | Case Name: Complaint letter from employee in CIAO | Date Open: July 23, 2015 Date: 12/15/2015 | |
| Complainant(s): Jorge Roque | Subject(s): Robert Molina & other employees | | |

Allegation(s):

The COE received a letter of complaint from Community Information And Outreach (CIAO) part-time employee Jorge Roque. In the letter Roque alleges the staff members of Miami-Dade TV do not do their job but continue to get paid. According to Roque, this violates Florida State Law and County policy.

Relevant Ordinances:

Exploitation of official position, Sec. 2-11.1(g), Miami-Dade Conflict of Interest and Code of Ethics Ordinance.

Employee Protection (Whistleblower Retaliation), Section 2-56.28.11-21), Miami-Dade County Code of Ordinances

Investigation:

Interviews

In a letter directed to COE Executive Director Joseph Centorino, Roque advised that he heard him (Centorino) speak last week in front of the Board of County Commissioners (BCC) about employees having a second job, and conducting private business during county work hours, as an ethics violation. In his letter of complaint, Roque alleges that a co-worker, Robert Molina (Molina) spends his time browsing the Internet, and shopping for items that he later sells on his EBay account. According to Roque, Molina even brings some of the items he buys on the Internet to the office, in order to sell them to employees during work hours.

According to Roque, the Assistant Department Director Ms. Aimee Martinez (Martinez) found these allegations to be true, after an investigation. According to Roque, the investigation also revealed this group of employees were not working as much time as they were being paid for.

Roque also claimed he was denied whistleblower protection, and since he exposed the group of employees who were cheating the county out of money, both of his managers have been retaliating against him, and harassing him almost daily. Roque feels he is being forced out of his job because he exposed the fraud.

Roque does not explain how the retaliation is taking place or which manager is causing the problem.

Ms. Aimee Martinez
Assistant Director
Community Information and Outreach

Ms. Aimee Martinez (Martinez), CIAO, voluntarily agreed to meet with COE investigator Penichet, and provide information regarding this investigation. Martinez advised that she conducted an administrative investigation as a result of Roque's allegations, in which she documented the findings.

Martinez used an industry-wide time management report, "Farmer's Wife," which is utilized to document how the staff time is scheduled and used. Martinez advised the review showed that the Miami-Dade Television Unit (MDTVU), which is the focus of Roque's complaint, needed to improve documentation of its time usage.

Martinez also advised that she met with Roque along with his direct supervisor, and another administrator to further discuss Roque's allegations. Martinez advised that she also met with the Station Manager and the supervisors in order to establish better working policies that would be fair to all.

Martinez advised that she re-checked the use of hours by the staff approximately ninety (90)

days later, and it appeared the full- time employees where using their time more efficiently, which meant less hours of work for Roque.

Martinez advised this new development is now one of the reasons Roque claims he is being retaliated against. Martinez provided a copy of the report of her investigation which is part of the case file.

Robert Molina
Videographer / Editor
CIAO /MDTV

Mr. Robert Molina (Molina), CIAO, voluntarily agreed to meet with COE Investigator Penichet, and provide information regarding this investigation. Molina advised that he is a Videographer and Editor with MDTVU and has been employed for approximately 12 years. Molina advised that often times he has to go out into the field to shoot the film, and also edit the final product.

Molina advised that he is aware of Roque's allegations and denies that he sells equipment to employees in the office, or spends his time surfing the Internet for his own business. Molina advised that he does use the Internet for projects that he works on which have been assigned to him. Molina does not understand why Roque is making all these allegations but denies them.

Molina further stated that "Farmer's Wife" is only a scheduling tool, not a time management report, as Roque claims. Molina advised that since he came to work for MDC he has received good evaluations and has a good working relationship with his supervisors and peers. Molina advised that the only reason Roque shows more hours than many in the unit is that he (Roque) was in training and would show up for more of the scheduled events.

Lazaro Lopez
Videographer / Editor
CIAO/ MDTV

Mr. Lazaro Lopez (Lopez), CIAO, voluntarily agreed to meet with COE Investigator Penichet, and provide information regarding this investigation. Lopez advised that he is a Videographer and Editor with MDTVU and has been employed for approximately 10 years and, on many occasions, has to go out into the field to shoot the film and also edit the content.

Lopez advised that he is aware of Roque's allegations, and denies ever seeing Molina selling equipment to employees in the office or observing Medina spend excessive time surfing the Internet. Lopez advised that he does not do any type of work in the office related to his outside business. Lopez advised that he along with the others use the Internet for projects they are working on.

Lopez does not understand why Roque is making all these allegations but advises some, if not most, are not true. Lopez further stated that "Farmer's Wife" is only a scheduling tool, not a time management report, as Roque claims. Lopez advised that since he came to work for MDC he has received good evaluations and has a good working relationship with supervisors and peers.

Shawn Hinchey
Station Manager
Miami-Dade TV
CIAO/ MDTV

Mr. Shawn Hinchey (Hinchey), CIAO, voluntarily agreed to meet with COE Investigator Penichet, and provide information regarding this investigation. Hinchey advised that he is the Station Manager in charge of the crew that includes Roque, Molina, Lopez and Coombs, who is the supervisor. Hinchey advised that he is responsible for the day-to-day operation of the station. Hinchey further advised that he is aware of Roque's allegations, and advised that he has never observed Molina or any other employee sell equipment to the employees in the office, and has not been made aware that any employee under his control spends his time surfing the Internet for his own private business.

Hinchey advised that all the Videographer's use the Internet for projects that they are working on. Hinchey does not understand why Roque is making all these allegations but advised they are not true.

Hinchey advised that since Roque pointed out the problems, the scheduling of assignments and the number of hours spent on each assignment is being recorded properly. According to Hinchey, now the "Farmer's Wife" program gives a better picture of how the time is being spent.

Maurice Coombs
Supervisor
CIAO/ MDTV

Mr. Shawn Coombs (Coombs), CIAO/MDTV, voluntarily agreed to meet with COE Investigator Penichet and provide information regarding this investigation. Coombs advised that he is the Group Supervisor for the people mentioned in the Roque complaint.

Coombs advised that he is aware of Roque's allegations and denies that he ever observed Molina or anyone else sell any equipment to employees in the office.

Coombs also advised that it was never brought to his attention nor did he ever observe anyone spend time surfing the Internet for his own business. Coombs advised the staff does use the Internet for projects they work on.

Coombs does not understand why Roque is making all these allegations but denies them.

Coombs advised that since he came to work for MDC he has received good evaluations and has a good working relationship with supervisors and peers.

Jorge Roque
Videographer / Complainant
CIAO/ MDTV

Mr. Roque (Roque), CIAO/ MDTV, voluntarily agreed to meet with COE Investigator Penichet and provide information regarding this investigation. Roque advised that he is a Videographer and Editor with MDTVU and has been employed for approximately 3 years.

Roque advised there are a group of employees in his department that are cheating the system to make money for which they do not work, and management knowingly allows it because management is also cheating the system for their own benefit.

Roque advised that he made numerous attempts to advise management of this situation, but they continue to ignore the problem, therefore, he (Roque) came to the COE and other County departments, in order to expose what was happening in the hope of having it investigated and stopped.

Roque advised that he wrote the letter detailing some of the ways these employees were cheating the system so eventually he could have a one-on-one meeting with whomever it is necessary to elaborate on what is happening in his department.

Roque advised there is evidence in the County records proving everything he was claiming. Roque provided copies of records he obtained via public records requests showing the discrepancies and the hours worked, and the lack of documentation that was on the documents.

Roque wanted to know what protection he would get for becoming a whistleblower. Roque was advised that would have to be determined by the OIG or the Executive Director after carefully reviewing all the facts.

Roque advised that he could not believe the County had a means of protecting employees who stand up against what is wrong. Roque advised he was a military veteran, so he did have deep sense of obligation to the people of this country. Roque advised he knows what he did was right, and as a result he is being punished for it.

Document/Audio/Video Review:

- 1. Original Letter from Jorge Roque received and dated April 22, 2015
- 2. Evaluations for Molina, Lopez, and Roque along with resumes and applications
- 3. Memorandum by Aimee Martinez documenting Administrative review dated, June 11, 2015 with attachments.
- 4. E-Mails

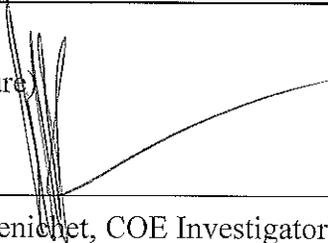
Conclusion(s):

As a result of the interviews and the review of the records provided by Roque and MDCTV personnel, it appears that neither Molina nor Lopez attempted to exploit their official position, as alleged by Roque.

After an administrative review by the Director, it appeared that lack of documentation on the part of the staff was causing the impression of inactivity.

All the information obtained was discussed with Advocate Michael Murawski who determined that there is insufficient evidence to proceed under the Whistleblower Retaliation (Employee Protection) Ordinance, specifically because no "adverse personnel action" was taken against Roque as a result of his complaint.

Murawski also advised that no further action would be taken since there does not appear to be any ethics- related violations concerning the use of the Internet and the sale of merchandise to staff. Accordingly, it is recommended that the above case be closed.

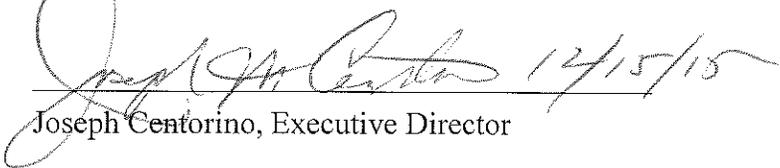
(Signature) 

Breno Penichet, COE Investigator

Approved by:



Michael Murawski, Advocate

 12/15/15

Joseph Centorino, Executive Director

Date Closed