



CASE CLOSED
Date 3/23/2016

Miami-Dade Commission on Ethics & Public Trust

Report of Inquiry

Investigator: Breno Penichet

Case: PI15-057	Case Name: Possible hiring of employee with a criminal background	<u>Date Opened:</u> 12/30 /15	
Complainant(s): Anonymous	Subject(s): Rafael Galvez		

Allegation(s):

On December 30th 2015 the COE received information from an anonymous caller who advised that someone was hired to work for Miami Dade County with a criminal background. The caller further stated the employee may have been hired after an altered background investigation was approved by the hiring authority.

Relevant Law:

Miami-Dade County Conflict of Interest and Code of Ethics Ordinance Sec. 2-11.1(g)
Prohibition on exploitation of official position.

Investigation:

The information provided stated that probationary employee Mr. Rafael Galvez (Galvez) was hired by Mr. Cyran Wheeler (Wheeler), Director of the Miami Dade County Department of Regulatory and Economic Resources (RER), even though he (Wheeler) knew of Galvez's past criminal record.

The caller also advised that he (Wheeler) hired Galvez after a background investigation was conducted that may have omitted the criminal information.

The caller also advised that it was felt that Galvez was not qualified for the position. The COE initiated an inquiry to determine the validity of the information.

The Miami-Dade Electronics Management System (EDMS) was queried by COE Investigator Penichet, and Galvez's information was obtained and reviewed, it showed Galvez was hired on April 13, 2015, as RER Division Manager and the action was authorized by Wheeler.

Also a review of the MDC Criminal Justice online system revealed that between September 16 1999 and December 10th 1999, Galvez was charged with three (3) Felonies and one (1) Misdemeanor. Further review showed that all charges were dropped after successfully completing the Pre-Trial Intervention Program (PTI).

**Ms. Arleen Cuellar,
Director Human Resources
Miami-Dade County**

COE Investigator Penichet spoke to Ms. Arleen Cuellar (Cuellar), Miami-Dade County Human Resource Director, regarding the above information. Cuellar advised she would check the personnel file and determine the validity of the allegation. Cuellar also advised that a prior criminal arrest would not necessarily disqualify a person from County employment. Cuellar advised she would also contact the screening staff to check how much information in this case was verified.

COE Investigator Penichet received a phone call from Cuellar advising that the paper work was reviewed and it appears to be in order. Cuellar advised that a background was conducted and the person in charge of the department was made aware of all the information uncovered. Cuellar advised Galvez was hired according to MDC Human Resources Hiring Process policy.

**Ms. Virginia Washington,
Director Recruitment and Testing, Human Resources
Miami-Dade County**

COE Investigator Penichet spoke to Ms. Virginia Washington (Washington), Miami-Dade County Human Resources Director of Recruitment and Testing, regarding the above information. Washington advised that her division was the one that screened Galvez's application and he was well qualified for the position he was applying for. Washington also

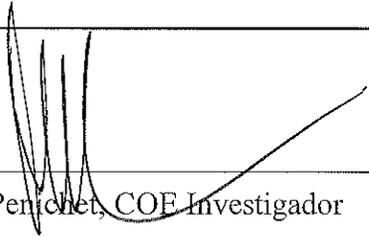
advised that her department also signed off on Galvez's hire after a complete review of all the information gathered.

Document/Audio/Video Review:

1. Human Resources Personnel Change Document
2. Miami-Dade County Criminal Justice on Line System forms showing the reasons for the arrests and dispositions.
3. Miami-Dade County Human Resources Hiring Process, policy.

Conclusion:

Advocate Michael Murawski advised that no further action would be taken because there are no ethics-related violations. Accordingly, it is recommended that the above case be closed.

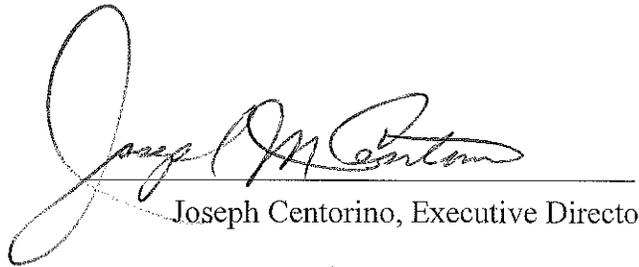


Breno Perichet, COE Investigador

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director

Date: 3/23/16