



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

**Investigative Report**

**Investigator:** Karl Ross

<b>Case PI</b> 16-014	<b>Case Name:</b> Alina Cabrera	<b>Date Open:</b>	<b>Date Closed:</b>
<b>Complainant(s):</b> Stephanie Momplaisir	<b>Subject(s):</b> Alina Cabrera, Gary Porter	April 11, 2016	<b>CASE CLOSED</b> Date: 5/6/2016

**Allegation(s):**

Ms. Momplaisir alleged she “witnessed very unethical conduct” while serving on an interview panel for job applicants for a painter’s position with the Miami-Dade Aviation Department (MDAD). Momplaisir, who is black, contends that Alina Cabrera, who is Hispanic, tried to unduly influence the awarding of the position to a Hispanic female.

Cabrera was the department’s HR representative assigned to oversee the hiring process, and whose job it was to facilitate the interview and selection process. Momplaisir alleged Cabrera challenged her scoring of the Hispanic female candidate as too low and made negative remarks about the lone black applicant, whom Momplaisir scored favorably.

Momplaisir alleged in a detailed letter of complaint to COE Executive Director Joseph Centorino and others that Cabrera reprimanded her for scoring the black applicant “too high” while also giving “her unsolicited opinion that the Hispanic female candidate was more qualified for the job.” Cabrera allegedly suggested to another member of the interview panel, Gary Porter, a white non-Hispanic, that he increase the Hispanic female’s score so that her score would place her into the top rating tier, making her eligible for hiring.

The Hispanic female candidate was chosen over the male African-American candidate, prompting Momplaisir to file the above-referenced complaint on April 7, 2016.

**Relevant Ordinances:**

Per the instruction of COE Executive Director Centorino, a preliminary inquiry was initiated to determine whether the hiring process violated the Sunshine Law, Florida Statute 286.011, or any other County guidelines or administrative orders, as well as any provisions under the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1.

**Investigation:**

*Interviews*

Virginia Washington, division director  
Recruitment, Testing and Career Development  
Human Resources Department  
May 6, 2016

Ms. Washington contacted COE after providing a copy of a memo describing the findings of an internal review by the County’s Human Resources Department.

The memo summarizes notes from interviews with the three panelists and Ms. Cabrera, and after evaluating the available information, further recommends a number of corrective actions. These include scrapping the initial decision to hire the female Hispanic candidate; re-opening the position with a new selection panel that does not involve Cabrera; providing training to HR personnel with respect to their roles in overseeing the recruitment process; and, lastly, that Cabrera receive a “record of counseling” as a result of her conduct.

COE requested a copy of Washington’s interview notes for Mr. Porter, who, while he admitted to her that he revised his score for the Hispanic female candidate, stated that he did so mainly because he wanted more female painters and also because he felt he had been too tough in his scoring with the earlier applicants as opposed to the latter applicants.

Neither Porter nor Juan Riera, the third panelist (Hispanic male), stated they felt that Cabrera attempted to unduly influence the process, according to Washington. Both of the panelists described Cabrera’s conduct as “professional” and “fair” or “helpful.” The interviews in question were held on March 30, 2016, according to public records.

Cabrera was similarly interviewed and acknowledged that she did question Momplaisir as to why she rated the Hispanic female candidate so low on one of the questions. Cabrera also stated she gave panelists the opportunity to revise their scoring, but, according to interview notes, Cabrera said she did not make disparaging remarks about the black applicant.

Washington stated that Cabrera’s questioning of a panelist’s scoring – as she did in the case of Momplaisir – was clearly inappropriate. She said HR observers such as Cabrera are supposed to serve as “facilitators” and should not interject their views as to the relative qualifications of job applicants. She described Cabrera as a “seasoned HR person” who should have known better than to make such remarks and noted that she had received a record of counseling as a result of the apparent indiscretion. She said departmental guidelines regarding the recruitment

process are being revised, but that Cabrera had been trained to act in an unbiased manner and that her actions did not meet this standard.

Washington also noted that Momplaisir's scoring of both the black and Hispanic female applicants did not represent a significant deviation from the scoring of other panelists, indicating her scores were not skewed and should not have been challenged.

Washington stated she had no reason to suspect that Cabrera had any personal or professional ties with the Hispanic female applicant. She noted that all the applicants signed nepotism waivers attesting they were not related to anybody on the panel.

### ***Document/Audio/Video Review:***

On April 28, 2016, COE received copies of documents relating to the above-referenced recruitment of an airport painter in response to a public records request. The documents were reviewed and a copy of the candidate list and Interview Rating Sheet added to the file.

A copy of the HR memo to Miami-Dade Aviation Director Emilio Gonzalez, also referenced above, was provided to COE on May 5, 2016, and was added to the file.

### **Conclusion(s):**

Upon reviewing the findings of HR's internal inquiry, it would appear Momplaisir's allegations were handled appropriately and that recommendations were made to take corrective actions to prevent conduct that could taint future MDAD recruitments.

While the inquiry only partially substantiated Momplaisir's allegations, the findings were sufficiently troubling to cause the recruitment in question to be discarded and or a new recruitment to be conducted without the involvement of Cabrera.

Furthermore, HR has issued a "record of counseling" to Cabrera and, as a result of this incident, has implemented additional training and revised the applicable guidelines.

Because the matter at hand involved an interview panel and not an advisory board or elected body, the Sunshine Law would not seem to apply to the recruitment process.

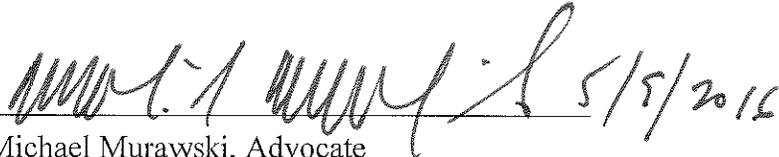
Also, given the absence of any apparent connection between Cabrera and the Hispanic female job applicant, there is no reason to suspect exploitation of official position, at least in the sense described in the county's ethics code in 2-11.1, subsection (g).

Accordingly, it would appear this preliminary inquiry should be closed without further action, especially since the allegations in the complaint could mostly be considered personnel issues,

which are beyond the scope of this agency, with exceptions as noted in the ethics code and have been sufficiently handled by County administration.

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Karl Ross, COE Investigator

Approved by:

  
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Michael Murawski, Advocate

  
\_\_\_\_\_  
Joseph Centorino, Executive Director

5/6/16  
Date