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MIAMI-DADE COUNTY  
COMMISSION ON ETHICS & PUBLIC TRUST

In re: Melinda Akiti, Tom Ogazone  
And Marvin O'Quinn/

Case No: 08-11

**PUBLIC REPORT AND ORDER DISMISSING COMPLAINT**

On May 7, 2008, Lisa Burton, former Associate Director of Patient Care for Mental Health at the Public Health Trust, filed the above-captioned whistleblower retaliation complaint against Melinda Akiti, Regional Director of Mental Health, Tom Ozagone, Building Administrator and Marvin O'Quinn, President and CEO of the Public Health Trust ("Respondents").

Earlier this year, Burton was hired by the Public Health Trust as Associate Director of Patient Care for the Mental Health facility. Shortly after Burton was hired, she was promoted to Acting Director of the division. Burton's duties at the PHT included assuming primary responsibility for ensuring that the designated service area is safe and keeping the Public Health Trust informed about clinical, administrative and environmental issues that impact the institution.

On April 3, 2008, Burton toured the facility and determined that there were numerous safety issues in the inpatient psychiatric unit including a lack of alarm systems in rooms used for individual and group counseling; blind spots that could not be appropriately monitored and potential suicide devices that could be accessed by patients such as long phone cords, sprinkler heads and door hinges. Burton also noted that there was a large amount of debris in the space outside of the patient area as well as a poorly maintained barbed wire fence, an empty swimming pool and broken furniture. Burton also observed that there were no security guards or an ID station and that day patients freely entered the facility. On other occasions, Burton found evidence of vermin, garbage and water intrusion from flooded ceilings. Burton reported her concerns to the Building Administrator. Burton took notes and pictures of the conditions at the facility.

Subsequently, on April 4, 2008, Burton reported her concerns to Respondent Akiti and later she reported her concerns to Jane Mass, Director of Patient Care and a member of the Public Health Trust. Burton and Mass discussed the need for the facility to be inspected and an inspection was scheduled for April 18<sup>th</sup>. Burton also contacted an official regarding the use of shackles on

mentally ill adolescent patients prior to an assessment of their condition by staff. Finally, Burton conveyed her concerns regarding the shackles to Respondent Akiti and Respondent Ogazon.

On April 21, 2008, Burton toured the facility with the Joint Commission consultant and found hazardous conditions such as the use of belts and shoelaces, phone cords and water hoses just outside the patient area. Later that same day, the PHT asked for Burton's resignation and offered a three month severance package. Burton's termination would be effective one month from the date of the meeting if she agreed to the terms. Otherwise, the termination would become effective immediately. Burton did not accept the severance package from the PHT at the conclusion of the meeting.

On July 8, 2008, the Ethics Commission found the complaint legally insufficient because Burton failed to meet the requirements for whistleblower protection under the County's employee protection ordinance. Section 2-56.28.16 provides that " this division protects employees who disclose information on their own initiative in a written and signed complaint; who are requested to participate in an investigation, hearing or other inquiry conducted by the County, any state agency or federal

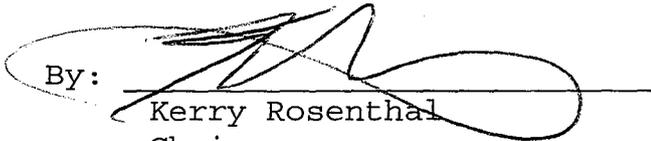
government entity having the authority to investigate, police, manage or otherwise remedy the violation or act; who refuse to participate in any adverse action prohibited by this division; or who are otherwise protected by the State Whistleblower's Act." Burton failed to file a written and signed complaint, prior to the adverse personnel action, as required by the ordinance regarding the alleged health and safety violations at the Mental Health facility.

Thereafter, after reviewing the complaint and being otherwise advised in the premises, the Ethics Commission ordered the complaint dismissed. Therefore it is:

**ORDERED AND ADJUDGED THAT** the Complaint is **DISMISSED** for failure to state a claim under the Whistleblower ordinance.

**DONE AND ORDERED** by the Miami-Dade Commission on Ethics and Public Trust in public session on July 8, 2008.

**MIAMI-DADE COUNTY COMMISSION  
ON ETHICS AND PUBLIC TRUST**

By: 

Kerry Rosenthal  
Chairperson

cc: George Burgess, County Manager  
Marvin O'Quinn, President and CEO, Public Health Trust  
Melinda Akiti, Regional Director of Mental Health Services,  
Public Health Trust  
Tom Ogazone, Building Administrator, Public Health Trust  
Matthew Dietz, Attorney for Complainant