



MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

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CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
#1

In re: Chief David Downey and Captain
Natosha Gonzales./

Case No: 09-06

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

Gisela Locke filed the above-captioned complaint against Chief Dave Downey and Captain Natosha Gonzales ("Respondents") of the Miami-Dade Fire Rescue Department for whistleblower retaliation.

Locke is Administrative Secretary for Respondent Downey. Respondent Downey is director of the training division of the Miami-Dade Fire Rescue Department. Earlier this year, the Internal Affairs Division of the Miami-Dade Fire Rescue Department conducted an investigation into the termination of a trainee. Locke informed Internal Affairs that she believed the trainee was unfairly terminated. Locke also informed Internal Affairs that Respondent Gonzales withheld pertinent medical information and was responsible for missing files.

Shortly thereafter, Locke was accused of being responsible for the missing personnel and training files. Locke was interrogated by Internal Affairs and was subsequently placed on administrative leave pending the conclusion of the investigation. The leave began on March 19, 2009.

On March 22, 2009, Locke filed a retaliation complaint regarding the issue with the County Manager and submitted copies to the Ethics Commission. In the complaint, Locke reiterated her allegations that the trainee's files were improperly destroyed; that relevant medical and other information was withheld; that internal affairs mishandled the investigation and that departmental personnel submitted false payroll information regarding the use of the trainee's sick leave.

On April 29, 2009, the Ethics Commission found the complaint legally insufficient because Locke had not suffered an adverse personnel action as required under Miami-Dade County's employee protection ordinance. The ordinance defines adverse personnel action as discharge, suspension, involuntary transfer, demotion, withholding of bonuses or reduction in salary or benefits. Under the ordinance, paid administrative leave pending the

outcome of an investigation would not constitute an adverse personnel action.

Thereafter, after reviewing the complaint and being otherwise advised in the premises, the Ethics Commission ordered the complaint dismissed without prejudice.

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 April 29, 2009.

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

By: _____


Kerry Rosenthal
Chairperson

cc: Chief David Downey, Miami-Dade Department of Fire and Rescue

Captain Natosha Gonzales, Miami-Dade Department of Fire and Rescue

Thomas Connors, Attorney for Gisela Locke