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MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

In re: Mario Garcia

Case No: 09-13

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PUBLIC REPORT AND FINAL ORDER

The Advocate filed the above-captioned complaint against Mario Garcia, Jr. ("Respondent") for alleged violation of Section 2-11.1(g) (exploitation of official position). The complaint alleged the Respondent used his position to help his son get a job with a county contractor.

The Respondent is a Senior Contract Manager with the Department of Water and Sewer. Last year, Earth-Tech, advertised for a Junior Inspector to work on a WASD project. The Respondent told Earth-Tech that his son would be applying for the position. The Earth-Tech supervisor advised hiring personnel to flag the Respondent's son's resume and bring him in for an interview.

The candidates for the position were interviewed by another WASD consultant, Hazen and Sawyer and a WASD employee. The Respondent reviewed and approved the

interview questions prior to his son's interview. The Respondent's son was ranked highest after the interview and was given a conditional offer. However, the Respondent's son did not pass the drug test and background check. The Respondent's son was later hired by another WASD consultant. The Respondent did not advise the consultant that his son failed to pass the background check for the Earth-Tech position.

On July 28, 2009, the Advocate presented a probable cause stipulation and proposed settlement agreement to the Ethics Commission. The terms of the agreement provided that the Respondent would pay a five hundred dollar fine and receive a letter of reprimand. Upon review of the pleadings and hearing the argument of the Advocate, the Ethics Commission rejected the proposed settlement agreement.

On August 27, 2009, the Advocate presented an amended settlement agreement where the Respondent agreed to pay a total fine of one thousand dollars and receive a letter of reprimand. Upon review of the agreement, hearing the argument of the Advocate and being advised in the premises, the Ethics Commission approved the revised settlement agreement.

Therefore it is:

ORDERED AND ADJUDGED THAT the Complaint is
DISMISSED with a fine of one thousand dollars and a letter
of reprimand.

DONE AND ORDERED by the Miami-Dade County Commission
on Ethics and Public Trust in public session on August 27,
2009.

MIAMI-DADE COUNTY COMMISSION
ON ETHICS AND PUBLIC TRUST

By:



Kerry Rosenthal
Chairperson

cc: Mario Garcia, Jr.

CLERK OF THE BOARD

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CLERK, MIAMI-DADE COUNTY COURTS
3300 BAYVIEW BLVD., MIAMI, FL 33133



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**LETTER OF REPRIMAND
MIAMI-DADE COUNTY**

To: Mario Garcia, Jr. COMMISSION ON ETHICS & PUBLIC TRUST

From: Miami-Dade County Commission on Ethics and Public Trust

Re: Ethics Complaint C09-13 (In Re: Mario Garcia Jr.)

Date: August 2009

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After due consideration the Miami-Dade County Commission on Ethics and Public Trust accepts the **No Contest** plea of Mario Garcia, Jr. to a violation of two counts of section 2-11.1 (g) of the Miami-Dade County Conflict of Interest and Code of Ethics ordinance (Exploitation of official position prohibited)

Wherefore, the Miami-Dade County Commission on Ethics and Public Trust issues this Public Reprimand.

Mario Garcia Jr. is a Senior Contract Manager for the Miami-Dade County Water and Sewer Department (WASD).

Mr. Garcia exploited his official position in order to assist his son Mario Garcia III. (Garcia III) in obtaining a job with a sub-consultant of WASD.

Investigation determined that Mr. Garcia recommended that a vacant Junior Inspector position be filled. The filling of this position was approved by a WASD Associate Director.

Once Mr. Garcia decided that the Junior Inspector position needed to be filled and that recommendation was approved; a company called Earth Tech was charged with putting out the advertisement, collecting resumes and otherwise going about actually filling the position.

Prior to the publication of the job announcement Mr. Garcia specifically told an Earth Tech employee that his son, Garcia III, was going to apply for the Junior Inspector position. The Earth Tech employee, in turn advised a subordinate, who was responsible for screening the resumes, to pull Garcia III's resume and set it aside for an interview.

There were over a hundred responses to the job announcement. Garcia III's resume was one of six resumes pulled. From the six resumes, three candidates were selected to be interviewed. Garcia III was one of the three candidates selected to be interviewed.

Garcia III's resume was not screened in the same manner as everyone else's. Mr. Garcia was aware of and had knowledge of the specific interview questions that were going to be asked of his son prior to his son's interview. Garcia III was interviewed and was scored the highest; he was selected the most qualified.

Garcia III was given a conditional letter of employment for the Junior Inspector's position. The position required passing a screening process. Garcia III did not pass the screening process. Mr. Garcia was notified that his son could not be hired because he failed the screening process (drug test).

Subsequently, Mr. Garcia discussed how to get his son hired via a sub-contractor called **Triangle Inc.** (Triangle).

Garcia III was hired by Triangle as a Junior Inspector. Mr. Garcia did not advise the appropriate individuals that his son was not hired by Earth Tech because he failed a drug screening test. Instead, he misrepresented that Earth Tech had a hiring freeze because it was in the process of merging with another company.

In other words, Mr. Garcia hid the truth about why his son wasn't hired.

Section 2-11.1(g) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance entitled *Exploitation of official position prohibited* states

that:

“No person included in the terms defined in Subsections (b)(1) through (6) shall use or attempt to use his official position to secure special privileges or exemptions for himself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.”

Mr. Garcia holds a high level position within WASD. The citizens, who pay Mr. Garcia's salary, deserve and expect that Mr. Garcia will utilize his skills and talents in a manner that best serves Miami-Dade County. This responsibility is the public trust that every government employee is expected to safeguard. Any effort to benefit a personal or financial interest through official action is a violation of that trust.

Mr. Garcia knowingly participated in a scheme that upended the playing field whereby applicants for a County job could be fairly selected based on their ability. He impermissibly interfered with the job selection process in order to advance his personal agenda of getting his son hired.

The Miami-Dade County Commission on Ethics and Public Trust reminds Mr. Garcia that compliance with the Code of Ethics is not optional. It is an individual duty imposed by law, and any effort to benefit a personal interest through official action is a violation of the public trust. This Commission expects that Mr. Garcia and other government employees will take heed of this public letter of reprimand and guide their behavior accordingly. Mr. Garcia is encouraged to seek ethics opinions from this Commission in any future circumstance.

Done and Ordered this 27th day of August 2009 by the Miami-Dade County Commission on Ethics and Public Trust, Kerry Rosenthal, Chairman.