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MIAMI-DADE COUNTY  
COMMISSION ON ETHICS & PUBLIC TRUST

In re: Denis Morales  
\_\_\_\_\_ /

Case No: 10-25

**PUBLIC REPORT AND ORDER ACCEPTING SETTLEMENT AGREEMENT**

The Advocate filed the above-captioned complaint against Denis Morales ("Respondent") for alleged violation of Section 2-11.1(g) (misuse of official position). The three-count complaint alleged the Respondent used his official position to violate county leave policies.

The Respondent served as Chief of Staff for Mayor Carlos Alvarez. In March, 2009, the Respondent submitted a Request for Leave slip for the week of March 2-6. After the Mayor signed the slip, the Respondent wrote that the time was for administrative leave. The administrative leave was for time spent during hurricanes Wilma and Katrina in 2005. All hurricane-related administrative leave had to be used within a year of the hurricanes. Finally, the Respondent routinely destroyed his request for leave slips. County policy requires retention of hard copies for audit purposes.

On June 23, 2010, the Advocate presented a proposed settlement agreement where the Respondent pled no contest to Counts II and III of the complaint. Pursuant to the agreement, the Respondent will receive a public reprimand and pay fines in the amount of fifteen hundred dollars. The settlement also provides for dismissal of Count I of the complaint.

After reviewing the pleadings, hearing the argument of the Advocate and being otherwise advised in the premises, the Ethics Commission approved the proposed settlement agreement and dismissed the above-captioned complaint.

Therefore it is:

**ORDERED AND ADJUDGED THAT** the Count I of the complaint is voluntarily dismissed and a no contest plea is entered for Counts II and II of the complaint.

**DONE AND ORDERED** by the Miami-Dade Commission on Ethics and Public Trust in public session on June 23, 2010.

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

By: \_\_\_\_\_

  
Kerry Rosenthal  
Chairperson

cc: Denis Morales, Respondent

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

IN RE:

CASE NO: C10- 25

DENIS MORALES

\_\_\_\_\_ /

**SETTLEMENT AGREEMENT**

Pursuant to section 5.13 of the Miami-Dade County Commission on Ethics and Public Trust Rules of Procedure, Respondent does hereby enter into this settlement agreement in full satisfaction of the above captioned matter based upon the following terms and conditions:

1. Respondent, Denis Morales believes it to be in his best interest and the best interest of all parties involved to avoid the expense and time of litigating this matter any further. Respondent agrees not to contest the allegations contained in Counts II and III of Ethics complaint number C10-25.

2. Pursuant to this agreement, Respondent agrees to pay a fine of **\$1,500.00** to the Miami-Dade County Commission on Ethics and Public Trust and accept a public reprimand in full satisfaction of the complaint. Count I will be dismissed pursuant to this negotiated settlement.

3. Respondent understands and agrees that failure by Respondent to pay all monies due, as outlined in paragraph 2 above, may result in garnishment or other appropriate processes or proceedings to enforce the recovery of a judgment as governed by the Florida Rules of Civil Procedure.

4. Failure by Respondent to fulfill and abide by his obligation under this Agreed Settlement Order may also result in contempt proceedings against Respondent.

5 This agreement, consisting of two (2) pages, embodies the entire agreement of the parties respecting the subject matter herein. There are no promises, terms, conditions or obligations other than those contained herein.

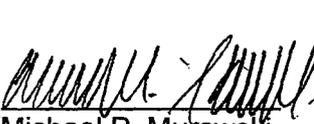
This instrument supercedes any and all previous communications, representations or agreements, either verbal or written between the parties.

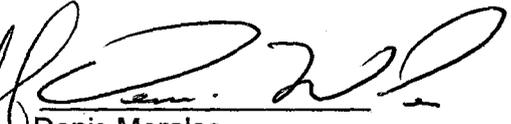
6. By signing this agreement, Respondent acknowledges that he is doing so freely, voluntarily and without duress; that he is competent to enter this agreement; that he has fully and completely read and understood the terms and conditions of the agreement and has either had the opportunity to discuss these terms with legal counsel or has freely and voluntarily chosen to proceed without legal representation and that if anyone is signing this agreement on Respondent's behalf or in a representative capacity, that they are duly authorized and have full authority to execute this agreement .

7. Respondent agrees that settlement of this action in the manner described above is just and in the best interests of Respondent and Miami-Dade County.

Done and Ordered at Miami-Dade County, Florida this 08 day of June 2010.

By: \_\_\_\_\_  
Kerry E. Rosenthal  
Chairperson

  
\_\_\_\_\_  
Michael P. Murawski  
Advocate

  
\_\_\_\_\_  
Denis Morales  
Respondent

**PUBLIC REPRIMAND**

To: Denis Morales

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

Re: Ethics Complaint C10- 25

Date: July 2010

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Respondent, Denis Morales, entered into a settlement agreement with the Miami-Dade County Commission on Ethics and Public Trust wherein he pled No Contest to allegations that he violated section 2-11.1(g) of the Miami-Dade County Conflict of Interest and Code of Ethics ordinance (the Code), entitled Exploitation of official position prohibited. Respondent paid a fine of \$1,500.00 and agreed to accept a Public Reprimand. Wherefore, the Miami-Dade County Commission on Ethics and Public Trust issues this Public Reprimand.

Respondent's admissions to Ethics Commission investigators were supported by the other evidence uncovered during the investigation of this complaint. Specifically, Respondent, the former Chief of Staff for Miami-Dade County Mayor Carlos Alvarez,<sup>1</sup> had outside employment authorization to work for a company called Protection Strategies, Inc. (PSI). Morales traveled to Panama pursuant to his employment with PSI to teach police classes in late February and early March. The investigation revealed that Respondent attempted to utilize administrative leave time he allegedly had "banked" from more than three (3) years ago.

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<sup>1</sup> As a result of the activities underlying this ethics complaint, among other things, Respondent was removed from his Chief of Staff position and resumed his position as a Sergeant in the Miami-Dade Police Department.

The County's Human Resources Department confirmed that administrative leave time granted for hurricanes Wilma, Katrina and/or Ernesto had to be used by September of the following year (i.e. September 2006 for Wilma and September 2007 for Ernesto and Katrina).

Moreover, the complaint established that Respondent routinely deviated from the request for leave procedure that every other County employee adheres to.

Respondent did not submit written request for leave (RFL) slips, instead, he destroyed the RFL slips thereby obliterating the back up documentation and audit trail of the payroll records. RFL slips are records that are maintained by the County in connection with the transaction of official County business.

**Relevant ordinances:**

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 in pertinent part, "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."

Respondent is reminded that compliance with the Code is not optional but rather an individual responsibility imposed by law. Any effort to benefit a personal interest through official action is a violation of the public trust. Nothing serves to undermine the public's trust more than arrogant government officials acting as if the laws and rules do not apply to them. Respondent's scheme, orchestrated to benefit him financially by being paid for time off while still retaining annual leave time, was petty and shameful. Moreover, by destroying the RFL slips, Respondent demonstrated that he knew that what he was doing was wrong and evidenced his consciousness of guilt.

Respondent is reminded that he is a public servant and therefore his job is to serve the public and to safeguard their assets, not to exploit his position for his own benefit and financial gain.

This Commission expects that Respondent and other government officials will take this public letter of reprimand to heart and guide their behavior accordingly. Every public official, including Respondent, is encouraged to seek ethics opinions from this Commission and to always be honest and forthright in carrying out their public duties.

Done and Ordered, this 20<sup>th</sup> day of July 2010