



APPROVED

Chairman: _____

December 16, 2016

**MIAMI-DADE
COMMISSION ON ETHICS & PUBLIC TRUST**

LETTER OF INSTRUCTION

To: Nelson Paganacci

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

Re: In Re: Nelson Paganacci (C16-19)

Date: November 2016

The Ethics Advocate filed a complaint against Nelson Paganacci (Paganacci), a Captain in the Miami-Dade County Fire Department (MDFD), alleging that Paganacci violated Section 2-11.1 (g) of the Miami-Dade County Conflict of Interest and Code of Ethics entitled, "Exploitation of official position prohibited."

Investigation determined that Paganacci contacted the MDFD Logistics Department and arranged to have a "caisson" (a MDFD funeral truck) moved from the bay at Rescue Station 53 in order to make room for the storage of his private RV vehicle at that site. Paganacci did, in fact, store his RV at the Fire Rescue station at various times from approximately August 2015 until about May 2016.

Paganacci also used the resources of the Fire Rescue station (i.e. electrical outlets) to charge the batteries of his RV from time to time while it was stored at the station house.

On October 19, 2016, the Commission on Ethics and Public Trust accepted Paganacci's plea of No Contest to one count of violating section 2-11.1 (g) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and ordered him to pay a fine of \$500.00 and accept a Letter of Instruction.

WHEREFORE, the Miami-Dade County Commission on Ethics and Public Trust issues this Letter of Instruction to Nelson Paganacci:

Section 2-11.1(g) of the Miami-Dade County Conflict of Interest and Code of Ethics is entitled "Exploitation of official position prohibited." It states, in pertinent part, "No [County employee] shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others."

Mr. Paganacci was cooperative and forthcoming with COE investigators. He admitted that he arranged for the *caisson* truck to be moved and "didn't really ask" for permission to store his RV in the station house.

Mr. Paganacci acknowledged that he did hook up the RV to the fire station electrical source and kept the RV at the station house, in part, because he worked on it during his downtime hours. Mr. Paganacci also admitted that he rotated the storage of his RV and a trailer that he owns between his home, the Fire Station and a lot that he rents from his homeowners' association.

Mr. Paganacci exploited his official position by arranging for the *caisson* truck to be moved to make room for his own personal vehicle to be stored at the fire rescue station. Additionally, it was an exploitation of his position to utilize the resources of the Fire Rescue station for his own the personal benefit. The storage of his personal RV at the Fire Rescue station served no public purpose, only his own private purpose. Moreover, having the empty bay at the Fire Rescue station available to store the RV likely provided Mr. Paganacci with a storage facility for the RV at no cost to himself.

Mr. Paganacci expressed remorse for his actions. By way of an excuse, he offered that firefighters routinely spend days at a time at the fire station and regularly clean and/or work on their personal vehicles at the station house. Mr. Paganacci also pointed out that several of his superior officers knew that his RV was there and never advised him to remove it.

We view the long term storage of an RV vehicle in a MDFD facility differently than the short term, incidental storage of an automobile at the fire house. Most firefighters travel in their personal vehicles to work and sleep at the station house for a few nights before returning home in their vehicles. No MDFD property needs to be removed from the fire house to make room for personal vehicles generally. Mr. Paganacci, by contrast, stored his RV vehicle at the fire station for weeks at a time, utilized County resources to charge the RV batteries and used his position to specifically have the *caisson* truck moved to make room for his personal vehicle. The moving of that *caisson* truck necessarily involved manpower and other County resources being used for no other reason than Paganacci's personal benefit. This action clearly demonstrates Mr. Paganacci's exploitation of his official position.

As a Captain with the MDFD, Mr. Paganacci holds a position of leadership. We are hopeful that Mr. Paganacci has learned from this experience and will use this Letter of Instruction to guide his future conduct and set an example for the men and women in his command.


12.21.2016