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MIAMI-DADE COUNTY, FLORIDA

MIAMI-DADE
COMMISSION ON ETHICS & PUBLIC TRUST

In re:
Victor Fernandez-Cuervo

C 17-18

PUBLIC REPORT AND FINAL ORDER

A County employee, Victor Fernandez-Cuervo (VFC) filed an ethics complaint against Miami-Dade County purportedly seeking Whistle Blower protection.

In addition to the fact that the complaint fails to identify a specific individual, it is untimely. Section 2-56.28.17 (3)(a) of the Employee Protection ordinance provides that a complaint may be filed with the Ethics Commission alleging a prohibited personnel action "no later than 60 days after a final written decision regarding an alleged prohibited personnel action."

According to the documentation supplied by VFC with his complaint, the prohibited personnel action taken against him (a demotion) occurred on April 24, 2017, and the complaint was not filed until August 29, 2017; well beyond the 60 day limit.

Moreover, it was noted that VFC's allegations in the complaint center around his alleged whistleblowing about a company called TMS and an invoice they submitted for work they did not do. However, in previous communication with the Inspector General's Office VFC advised that the acts resulting in his demotion were NOT centered on the TMS invoice at all but rather a proposed construction project in Coral Gables by a company called Ricman.

On October 12, 2017, in open session, the Ethics Commission found that the complaint was NOT legally sufficient and dismissed the complaint.

Wherefore it is:

ORDERED AND ADJUDGED that COMPLAINT C 17-18 is hereby concluded.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on this 12th day of October , 2017.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By:

H. Jeffrey Cutler
Vice-Chair

Signed on : 10-19-2017

C17-18

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Final Order

