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MIAMI-DADE  
COMMISSION ON ETHICS & PUBLIC TRUST

In re:

C 19-25-05

Emlyn Louis

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**PUBLIC REPORT AND FINAL ORDER**

Complainant, Emlyn Louis (Louis), filed this complaint against “Jackson Health Systems/Corrections Health Services.”

Louis was employed by Jackson as a physician from approximately September 2014 until his termination in approximately February 2018. Louis claimed that his termination was a result of his “whistleblowing” on the negligent treatment of patients and gross mismanagement of the Assistant Medical Director Carmelo Berrios (Berrios).

By his own admission, Louis claimed to have been unaware and uninformed of Miami-Dade County’s Whistleblower Retaliation ordinance<sup>1</sup> and did not comply with any of its provisions. Instead, Louis mistakenly lodged a complaint with the Florida Commission on Human Relations (FCHR) which did not undertake an investigation because Louis was not a State of Florida employee. Louis filed a whistleblower lawsuit against Jackson Health pursuant to the Florida Whistleblower Act in Section 112.3187 of the Florida Statutes.<sup>2</sup>

Louis filed this ethics complaint pursuant to the County ordinance in an apparent attempt to remedy his previous failure to properly invoke the County’s Employee Protection (Whistleblower) ordinance protections. However, the County’s Employee Protection ordinance provides that:

“ Any employee protected under this division who alleges retaliation may, *only after exhausting available administrative remedies*...file a written complaint with the Miami-Dade County Ethics Commission alleging prohibited personnel action, *no later than 60 days* after a final written decision regarding an alleged prohibited personnel action has been rendered under the administrative or contractual procedures referenced above.” (emphasis added)

<sup>1</sup> Section 2-56.28.11. of the Code of Miami Dade County entitled DIVISION 6. - PROTECTION OF EMPLOYEES DISCLOSING SPECIFIED INFORMATION is the County’s “Whistle Blower” ordinance.

<sup>2</sup> That lawsuit is currently pending in State Court and Jackson has filed a Motion for Summary Judgment on, among other grounds, the fact that Louis failed to exhaust his administrative remedies at the County.

Louis never exhausted the administrative remedies available to him under the County's Employee Protection ordinance. As a consequence, no "final written decision regarding an alleged prohibited personnel action has been rendered under the administrative or contractual procedures [of the County]".

Accordingly, since Louis failed to exhaust his administrative remedies, which is the prerequisite to filing an ethics complaint under the County's ordinance, this complaint was improperly filed.

On June 12, 2019, the Ethics Commission found that this complaint was not legally sufficient and dismissed it.

Wherefore it is:

**ORDERED AND ADJUDGED** that COMPLAINT C19-25-05 is dismissed.

**DONE AND ORDERED** by the Miami-Dade County Commission on Ethics & Public Trust in public session on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

MIAMI-DADE COUNTY COMMISSION ON ETHICS  
& PUBLIC TRUST

By:

*H. Jeffrey Cutler*

H. Jeffrey Cutler

Chairman

Signed on : June 20th, 2019