

OFFICE OF THE INDEPENDENT ADVOCATE  
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST  
REPORT OF INVESTIGATION

K #: 09-169 Denis Morales

Date Opened: 12/08/2009

Date Closed:

Name of investigator: Arthur D. Skinner  
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**Allegation:**

On December 8, 2009, the Miami Herald published a news article of Mayor Alvarez' Chief of Staff Denis Morales. The article alleged that Morales had authorized outside employment to work for Protection Strategies Inc., Arlington, VA. Morales allegedly traveled to Panama teach police classes in late February and early March. The article stated that Alvarez authorized seven days of paid administrative leave for Morales.

Section 2-11.1 of the Code of Miami-Dade County, the County's Conflict of Interest and Code of Ethics Ordinance. (g) *Exploitation of official position prohibited.* 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.

**Investigation:**

An examination of documents from the Department of Elections and Morales' personnel file revealed the following: (1) a leave slip indicated that Morales had been authorized Administrative Days (40 hours) in lieu of Annual Leave from March 2 to March 8 indicating the time was for "Hurricane AD days" and the purpose of the leave was "teaching a course in Panama with authorized outside employment" (2) The

Outside Employment Requests for the past three years do indicate for whom Morales was employed. In 2006 Morales reported income as a landlord. In 2007 he reported that he earned \$2500 as an instructor for the University of Louisville. In 2008 Morales reported he earned \$11,000 from Protection Strategies Inc. (3) On Morales' financial disclosures he reports owning at least 4 pieces of property which he did not report as outside employment of rental properties. Morales did not report his outside employment on his form 1's.

A December 9, 2009, Herald news article is reporting that Mayor Alvarez did not authorize the Administrative Leave. And that Alvarez has instructed Morales to change his leave to Annual Leave. The article indicated that Morales would take eight leave days instead five administrative days.

On December 9, 2009, COE Investigators interviewed the Chief of Staff of the Miami-Dade County Mayor's Office Denis Morales. Morales gave the following information: Morales has been Mayor Alvarez' Chief of Staff for the past five years. Among other duties Morales supervises the Mayor's staff.

Morales does not receive an employee evaluation. Morales' last evaluation was December 28, 2004, an outstanding rating that he received when he worked as a Sergeant in the Miami Dade Police Department Media Relations. Morales does not personally have anything to do with the PARS. Morales stated that Jeanette Vasquez is responsible for doing the PARS (This person also has not received any performance evaluations while working in the Mayor's office). Lily Fernandez verifies and signs the PARS. (Unable to locate a person in the mayor's office by this name.). Morales stated that whenever he takes leave of any type. He fills out a leave slip which he keeps in his desk. The leave slip is not given to the timekeeper, Morales uses the leave slips only to verify against his bi-weekly pay statement. Morales said he after verifying that his leave record is correct he destroys the leave slips. Morales stated that Mayor Alvarez does not sign his leave slips.

Morales stated that Mayor Alvarez always knows when and why he is out of the office and whether or not it is business or any type of leave. Morales was shown the leave slip # 980111 that was in his personnel file with his Request for Outside Employment form. Morales verified that the form was filled out by his secretary and signed by both himself and Mayor Alvarez. Morales admitted that after the leave slip was signed by Mayor Alvarez that he inserted the "40" No. of Hours space and the "Hurricane AD Days" in the Absence to be Charge to space on the leave slip. Morales did not know how the leave got from his desk into his personnel file. The leave slip was supposed to remain in his possession as did all his other leave request slips.

Morales stated that he was taking full responsibility for his actions and lapse in judgment. Morales claimed that despite his lapse in judgment he is entitled to the AD time and his actions were not illegal.

Morales has outside employment requests on file in the Mayor's office since 2006. The first request for outside employment was for 2 pieces of rental property. Morales didn't make that request again since he had only two rental properties. Morales has a total of five properties: 2 rentals, 2 vacant lots, and he is on the deed to the property where his mother lives. The remaining requests for outside employment (2007-2009) he had filled out to the best of his knowledge. Morales explained that he obtained this through the Director of Police Training Maj. Bernardo Gonzalez who was the coordinator of training for the company that contracted with the U.S. State Department to train the National Police in Panama. Morales made a total of seven training missions to Panama: 1 in 2007, 2 in 2008, and 4 in 2009.

Morales stated that on one trip to Panama he was upgraded to first class by the airline. Morales claimed he didn't request the upgrade. Morales stated that he reported the upgrade as a gift. He had contacted American Airlines and was told that the upgrade had no dollar value, however he said he took the difference between the coach

ticket and the first ticket value and reported the amount as a gift. Morales did not recall exactly when or on which trip to Panama he received the upgrade.

On December 16, 2009 Investigator Rosario interviewed Human Resources Division Director Arlene Cuellar by telephone regarding the Morales RFL slip # 980111, as to how the slip was included in the County's "empower" personnel database. After researching, Cuellar concluded that the slip was received by her division as an attachment to an outside employment document received from the Mayor's office. Cuellar, could not confirm who in the Mayor's office transmitted the documents to HR.

On December 23, 2009 OE Investigators Breno Penichet (Penichet) and Rosario interviewed Ms. Jeanette Vazquez (305) 375-3392 Administrative Secretary in the County Executive Office. Present during the interview was Luis Gazitua, Esq., Special Advisor to Mayor Alvarez. Vazquez stated that she is Morales executive secretary and maintains his calendar. Vazquez is the authorized signatory of the Payroll and Attendance Record (PAR) for members of the Mayor's Office. Ms. Vazquez said Morales, as Chief of Staff, are Vazquez and staff's direct supervisor. Ms. Vazquez inputs RFL information on to the PAR from submitted RFLs.

Vazquez stated that she verbally relies on Morales to document his leave usage. Vazquez recalls only one or two instances where she partially filled out an RFL for Morales; one of those instances was RFL #980111 the leave request that was found in Morales' personnel file. Vazquez maintains copies of the PAR forms and any related documents, including the RFLs for staff.

Vazquez stated that Morales is her boss and he keeps his own records. As Morales stated in the December 9, 2009 interview, Vazquez does not retain or maintain Morales' RFL's.

When Ms. Vazquez, prepares the PAR, she consults with Morales about the number of hours and type of leave during that pay period. Vazquez said that she

occasionally consulted Morales' calendar as to times he was absent. Vazquez relies on Morales to verbally advise her of the RFL slip number she inputs onto the PAR form.

Vazquez stated that she has received training from Human Resources Department on the preparation of the PAR and is aware that the RFL slip numbers are utilized as part of the necessary documentation in PAR preparation. Vazquez stated that she was never instructed or told that Morales does not need to need to fill out an RFL slip. Vazquez, said that neither the Mayor nor County Manager fill out RFLs.

Ms. Vazquez stated that the RFL form is the back-up document used to verify leave usage in the event of an error on the PAR form.

Ms. Vasquez explained that Morales' RFL # 980111 mentioned above; was a partially filled out the slip that she completed, and then placed the document on Morales' desk. Vazquez stated that other than this particular slip, Morales fills out and maintains his own RFLs until such time as he assures himself that the time and leave usage has been accurately applied.

The PAR forms from the Mayor's Office / Executive Offices are signed by Ms. Vazquez (for the Mayoral staff) and Liliana Fernandez ( for the Executive Office staff). Neither the County Mayor nor the County Manager's signatures are required.

### **PAR Analysis**

The COE requested and received copies of the Payroll and Attendance Record for the bi-weekly pay periods commencing on October 20, 2008 through December 27, 2009 both from the Human Resources Department and from the Mayor's / County Executive Office. The Mayor's and County Executive Office were asked to supply all documentation, including the RFL's that correspond to the PAR's.

A COE review of these items revealed the following:

- There are corresponding RFL slips for staff members leave/absence usage, duly noting the RFL numbers on the PAR forms.

- Although the County Manager's leave usage was not a part of this investigation, at least one RFL slip by George Burgess was included.
- There are no RFL slips for the County Mayor Carlos Alvarez, it is to be noted that Mayor Alvarez is an elected official and not subject to same policies as a County employee.

There are no RFL's for the Mayor's Chief of Staff Denis Morales although each leave / absence usage has a noted RFL slip number on the corresponding PAR.

**CONCLUSION:**

Summary of investigation should NOT include investigators opinion about whether probable cause exists or whether respondent/target is guilty or not.