



Miami-Dade Commission on Ethics & Public Trust

Report of Inquiry

Investigator: Sylvia Batista

Case: PI 14-001	Case Name:	<u>Date Opened:</u>	<u>Date Closed:</u>
Complainant(s): N/A	Subject(s): Ken Pyatt Dan Agostino	01/07/14	1/21/14

Allegation(s):

On or about 01/07/14 the COE received a letter from Eduardo Acevedo (Acevedo), Airport Operations Senior Agent in the Miami-Dade Aviation Department (MDAD). In his letter, Acevedo informed that Ken Pyatt (Pyatt), Deputy Director of the Miami-Dade Aviation Department, recently announced the hiring of Dan Agostino (Agostino) as Assistant Director of Operations. Agostino presently holds a high management position with American Airlines (AA) in New York and has worked for AA for 25 years. Acevedo informed that Pyatt worked for American Airlines in New York for 26 years prior to joining MDAD. As Assistant Director of Operations, Agostino will report directly to Pyatt. Acevedo advised that AA is by far the largest operator at Miami International Airport. AA operations at MIA will increase even further as a result of the recent merger between U.S. Air and AA.

Relevant Law:

Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1(x) *Prohibition on County employees and departmental personnel performing contract-related duties.*
“No person included in subsections (b)(5) [departmental personnel] and (b)(6) [employees], who was previously employed by or held a controlling financial interest in a for-profit firm, partnership or other business entity shall, for a period of two years following termination of his or her prior relationship with the business entity, perform any County contract-related duties regarding the business entity...”

Investigation:

Document Review and Research -

01/13/14 – Review Pyatt’s personnel file. Pyatt was officially offered the position of Deputy Director of MDAD on 07/12/10 at a starting annual salary of \$185,000. Pyatt’s Resume reveals that his employment with AA began in 1974. Pyatt held supervisory and managerial positions with the airline from 1980 until commencement of employment with MDAD in 2010.

Interviews:

01/14/14 – Ken Pyatt, Deputy Director of MDAD –

Pyatt was informed of the allegations involving his employment and the announced employment of Agostino as Assistant Director of Operations.

Pyatt advised that he started working for MDAD on 07/12/10. Pyatt said that prior to coming to MDAD, he worked for AA. Pyatt acknowledged that AA is the largest operator at MIA. Pyatt informed that Agostino is also from AA. When they hired Agostino, Mayor Gimenez waived the competitive selection process which made it possible to hire him without the need of an interview.

Pyatt explained that after MDAD’S new director, Emilio Gonzalez (Gonzalez), came on board, it was determined that they lacked a deputy. Gonzalez told him that he needs to get help and they need to hire someone who can hit the ground running. Training anyone else for this position would take two years. The person would have a lot of responsibility.

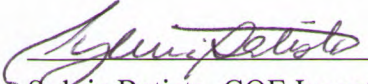
Agostino is Director of Operations at AA. Pyatt said that his division director “air side,” who is the other person who could have filled the subject post is not a good fit for the job. Others presently with MDAD do not have the scope of operations experience. Agostino is the only one who can step right in and do the job. Agostino has already resigned from AA and it is expected that he come to MDAD on 02/03/14.

Pyatt said that AA leases from MDAD. There are no other pending contracts with AA. Pyatt said that Agostino would not be working on any contracts involving AA, nor would he be a member of a selection committee involving AA, or perform other contract related duties.

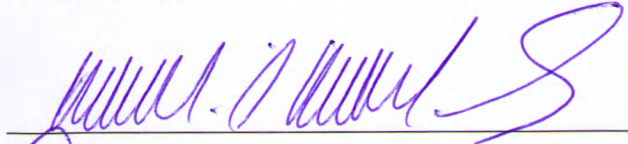
Pyatt was told to submit a detailed request for advisory opinion to the Executive Director of the COE.

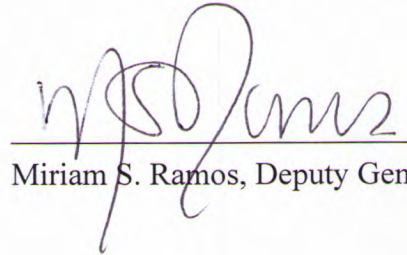
Conclusion(s):

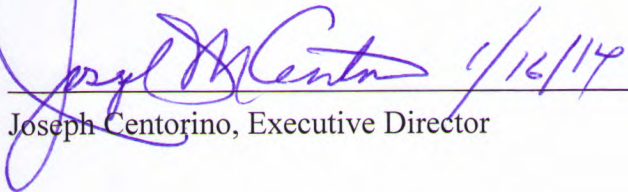
On 1/15/2014 Pyatt made a request for opinion regarding Agostino. No further action will be taken on this matter by the Advocate.


Sylvia Batista, COE Investigator

Approved by:


Michael Murawski, Advocate


Miriam S. Ramos, Deputy General Counsel


Joseph Centorino, Executive Director