

OFFICE OF THE INDEPENDENT ADVOCATE  
REPORT OF INVESTIGATION

K #: K09-135

Date Opened: 10/22/2009

Date Closed: 3/2/2010

Investigators Name of investigators: Art Skinner and Breno Penichet

**Allegation:**

This ~~investigation~~ Investigation is predicated upon information received in the form of a phone call from Mr. Paul Jarvis, ~~alleging that the town of Surfside, in Surf Side, In,~~ particular the Park's and Recreation Department, ~~the~~ The Town Manager and the previous Building official ~~were~~ where in violation of the town charter, ~~and possibly~~

~~Florida State~~

~~Statutes.~~

**Ordinance:**

~~—Section 2-11.1(g) Exploitation of official position prohibited. In violation of the Code of~~ Miami-Dade County, Conflict of Interest and Code of Ethics Ordinance ~~and possibly~~ Florida State Statutes.

**Investigation:**

On 21 October 2009 COE Investigator Penichet received a telephone call from Mr. Paul Jarvis who advised that it had come to his attention that several actions had been taken

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By the staff of the Town of ~~Surfside~~ side that should be reviewed by the COE. Jarvis provided a letter which included the below listed allegations.

1. Mr. Tim Millian the town's Parks & Recreation Dept. Director promoted a person that did not meet the standards to be a life guard, to Aquatic Facility Manager at a much higher salary but there is no Aquatic facility to manage; also, ~~Also~~ several lifeguards were let go because of the budget.

2. The town Manager allowed a vendor to present and he subsequently approved 2 invoices for the same expenditure that violated the Town ordinance that mandates it be brought up in an open meeting.

3. The previous Building official was not a town employee and was allowed to approve his own invoices.

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COE Investigators Art Skinner and Breno Penichet contacted Mr. Tim Millian Surf side's Parks & Recreation Department Director. Millian advised that when he became the director there was no policy in place addressing the Lifeguard swim test. Millian advised that there is no Florida State or Miami-Dade County requirement that this test be given. Millian further stated that he got together with the Human Resources

Director Ms. Yamileth Slate-McCloud, and together came up with an administrative policy on 10/15/2009. (In file)

The policy spells out what is required and the times, also there is a specific set of requirements according to the conditions on the day of the test, and what the candidates must show proficiency in.

Millian also addressed the allegations raised regarding the promotion of Ms. Jacquelyn Villagran. Millian advised that Villagran was hired as lifeguard and a trainer and was always in a supervisory role. Millian advised that he has worked with Villagran before and has confidence in her abilities.

COE Investigators Also Interviewed Ms. Yamileth Slate-McCloud Human Resources Director. Slate-McCloud confirmed the above information as it pertains to the Policy and the testing. Slate-McCloud also confirmed the fact that Villagran was always in a supervisory role and her position is approved.

COE Investigators Interviewed Mr. Gary Word Town Manager, regarding the fact that he approved two (2) invoices for the purchase of ~~banners. Banners~~. Word advised that he approved the way the invoices were prepared and paid and in fact the Town Council approved the purchases as required. Word further sated that he explained this to Mr.

Javis on several occasions, and that Javis still raised the issue even though he (Javis) knew it was proper.

Word also advised that once the issue of the Building official was raised he hired a part time certified Building official that is now an employee of the Town, so no questions can come up that they are not following State Law.

**All documents provided are included in the file.**

**CONCLUSION:**

After discussing these facts with the Advocate it was decided by him that no violation of the Conflict of Interest and Code of Ethics ordinance occurred.