

# MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

## OFFICE OF THE INDEPENDENT ADVOCATE



### REPORT OF INVESTIGATION

Case Number: K 11-019

Date Opened: February 10, 2011

Date Closed: June 23, 2011

Name of investigators: Kennedy Rosario and Breno Penichet

#### **Allegation:**

**This investigation is predicated upon information received in the form of an anonymous letter alleging that a Hearing Officer Evan Langbein (Langbein) assigned to arbitrate in a hearing, allowed his alleged law partner Stanley Beck (Beck) and a friend of the defendant, Magistrate Manuel A. Blanco (Blanco) to testify on Blanco's behalf, thus creating a conflict of Interest.**

#### **Investigation:**

On February 16, 2011 OIA Investigator B. Penichet reviewed the letter that was sent anonymously to COE Executive Director Robert Meyers. In the letter the writer states that Langbein is an arbitrator that is appointed by Miami-Dade County to preside over cases involving Miami-Dade County employee personal matters. Langbein was the arbitrator appointed to preside over the hearing of Haydee Mayor an employee for the Miami Dade County Clerk's office assigned to the Value Adjustment Board (VAB). According to the letter, Beck is Langbein's law partner, is a registered agent of the VAB



and presents cases before the VAB. The letter further alleges that Beck has appeared before Magistrate Blanco on numerous occasions.

By way of background, it was determined that Blanco allegedly engaged in some inappropriate conduct (ex parte conversations) with Mayor while serving as a hearing officer. As a result, Blanco was suspended from serving as a VAB hearing officer. Mayor and another employee were also disciplined.

In June 2009, the VAB met to determine if Blanco should be reinstated as a special master after having been removed for allegations mentioned above. (For details refer to OIG Investigation Case # IG09-02). During the hearing in front of the VAB, Beck testified on behalf of Blanco as a character witness.

The anonymous letter goes on to state that on December 12, 2009, Langbein served as the arbitrator in the case against Mayor whereby she was seeking reinstatement of employment. Langbein was not the arbitrator in the Blanco reinstatement hearing only the Mayor arbitration. The writer alleges that Langbein discussed the Mayor case with Beck. On July 12, 2010, Langbein ruled against Mayor.

In closing, the letter states that Langbein should not have been allowed to preside over Mayor's case, because both Langbein and Beck have a built in conflict and can not be fair and impartial. It should be noted there is no supporting documentation attached to the letter, only a computer generated document titled "Property Tax Consultants, Ltd".

OIA Investigators contacted Property Tax Consultants, Ltd. and found that Langbein was the attorney (outside Counsel) for the firm where Beck is an associate. Langbein does not work at the same firm as Beck.

OIA Investigators interviewed Langbein concerning the allegations contained in the anonymous letter. Langbein advised the following:

- He is an arbitrator for Miami-Dade County and did preside over the Mayor arbitration.

- He never discussed the case with anyone and had no other arbitrations dealing with the persons mentioned in the letter.
- Blanco testified in the Mayor arbitration but there were no other witnesses.
- He disclosed the fact that he represented the law firm Beck works for prior to the start of the proceedings, and no one objected,
- Beck never testified at the Mayor hearing.
- Jesus A. Garcia (Garcia), the other employee that was also suspended as a result of the Mayor/ Blanco incident, began to "stalk" Langbein and he was forced to report the incident to the police in Miami Lakes.

The arbitrations for Miami-Dade County were handled by Assistant County Attorney Erick Rodriguez and the original complaint was investigated by the Miami-Dade County Office of the Inspector General under Case# IG09-02 (report included in file).

**Conclusion:**

After reviewing all the information concerning this complaint, it appears that no proof exists of a violation of the Miami-Dade County Conflict of Interest and Code of Ethics ordinance. Therefore, this investigation should be closed as unfounded.

All the above information and documents was turned over to the Advocate M. Murawski for review.