

**MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
REPORT OF INVESTIGATION**

#K12-144

Date Opened: 09/17/12

Date Closed: 10/15/12

Investigators: Sylvia Batista and Kennedy Rosario

The COE received an ethics complaint against City of Opa-Locka Police Sergeant German Bosque ("Bosque") filed by Opa-Locka Chief of Police Cheryl Cason. The matter originated from an internal affairs investigation conducted by the City of Opa-Locka Police Department's Professional Compliance Bureau. The complaint alleges that Bosque, who owns and operates a security company named Florida Commercial Security Services, Inc. ("Florida Commercial"), does not have the required authorization for outside employment from his supervisor, and has not filed financial disclosures with the Clerk of Opa-Locka as required.

The complaint also alleges that Bosque may have influenced the owner of Atlantic Hosiery to hire his security firm in place of hiring Opa Locka off-duty police officers to provide security services at his business.

The COE's issue relates to a possible violation of the Conflict of Interest and Code of Ethics Ordinance Section 2-11.1(k)(2) *Prohibition on outside employment* and Section 2-11.1(p) *Prohibition on recommending professional services*.

Investigation:

Attached to the complaint as Exhibit 1 is a recent print-out of the Florida Department of State Division of Corporation record of Florida Commercial Security Services Corp. The record reveals that Florida Commercial was formed on

03/06/06 and lists Bosque as its Registered Agent and President. Attached as Exhibit 2 are print-outs of the State of Florida Division of Licensing which reflect that Bosque holds a Private Investigator's license, Security Officer license, and Manager Investigative and Security Agency license. All licenses are due to expire in 2014. Bosque's application for a Firearms Instructor license was denied. Florida Commercial's license expired on 09/07/12 and its status is "renewal application incomplete." The print-out in connection with Florida Commercial's license lists Bosque as its owner.

Exhibit 3 to the complaint is an e-mail from Joanna Flores, Interim City Clerk of the City of Opa-Locka, advising that she did not locate any authorization for outside employment or financial disclosures for Bosque.

09/21/12 – Daniel Whitebook, Manager, Atlantic Hosiery, LLC -

Mr. Whitebook was interviewed on the subject matter and stated as follows:

Whitebook said that he has known Bosque for 20 years. Atlantic Hosiery has been at its present location (13449 N.W. 42 Avenue, Opa Locka) since 1992.

Whitebook said that ever since they opened the retail store, they have used off-duty police officers for security and to deter shop lifting. For years they never had problems. Whitebook explained that when they need an off-duty police officer, they call the police department and request it. Whitebook advised that they pay the off-duty police officer directly. Bosque worked off-duty at Atlantic Hosiery on Saturdays. Whitebook said that he never used a security company.

Whitebook described how Bosque's actions saved the life of his wife's cousin during a medical emergency at the warehouse. Whitebook said that Monday through

Friday he was in the office, but on Saturdays he got to know Bosque while he worked off-duty at the retail store.

Whitebook said that about 4 years ago he was paying \$18 per hour to off-duty Opa-Locka police officers to provide security at the retail store. Whitebook said that at that time someone from the police department by the name of Larry told him that they decided to raise the hourly sum for off-duty police officers to \$30.00 per hour.

Whitebook said that the sum seemed too high. This is when he contacted Bosque.

Whitebook explained that it ended up that his children's nanny has a son, Jose, who was returning from military duty, so he hired him. Jose worked for Bosque's company. The arrangement was that he paid Bosque \$10 per hour and Bosque paid Jose \$10 per hour. Whitebook said that the arrangement lasted between 3-1/2 to 4 years. Whitebook said that Jose was a great security officer. Approximately 5 months ago there was a major theft at the store and Jose got a picture of the license plate as the perpetrator drove away. They identified the person and called Opa-Locka police who responded by ignoring the crime and saying that, had they been providing security, this would not have happened.

Whitebook advised that he started using off-duty police officers again 3 or 4 months ago. Whitebook advised that Larry and one or two other off-duty officers began providing security services at the store. Whitebook explained that he went back to using off-duty police officers because after the theft he felt he was not getting the protection he needed from the City. Whitebook advised that he had an employee theft problem and had to fire two long-time employees. Whitebook said that he talked to Deputy Chief Antonio Sanchez about the problems, but he did not provide him with a

response. Whitebook said that Jose now works for him directly. Jose helped him catch the long-time employees who were stealing money from the cash registers.

Whitebook explained that the upstairs of his warehouse has lots of space for storage. Police occasionally call and ask to use the upstairs space for events and training and he lets them use the space at no charge. This occurs about once a month or every other month. Bosque sometimes used office space from him to interview subjects for his security business. Whitebook said that he lets officers from the City and different law enforcement agencies use the warehouse and other things of benefit. Whitebook said that most police officers know him and he has been given appreciation awards for his generosity toward the police.

Whitebook stated that Bosque did not solicit security business from him. The space Bosque occasionally used was not provided in return for his security services. This was not a bartering situation. Bosque worked on weekends, he saved his wife's cousin's life—dealing with him has been positive. Bosque rents space from him now in another one of his warehouses. Bosque has a lease which has been in effect for 3 or 4 months, but it is on a month to month. Whitebook said he would provide a copy of the lease if needed.

Whitebook said that, outside of using the City's off-duty police officers, he also rents a warehouse to the City.

09/28/12 – Lieutenant Alexander Hernandez, City of Opa Locka Professional Compliance Bureau –

Subsequent to an internal affairs investigation of Sergeant German Bosque, Lieutenant Alexander Hernandez ("Hernandez") wrote a memorandum to Chief Cheryl

Cason recommending that the instant matter be referred to the COE. Hernandez concluded that Bosque failed to comply with the filing requirements set forth in Section 2-11.1(k) *Prohibition on outside employment*; and violated Section 2-11.1(p) *Recommending professional services*.

Hernandez clarified the violations cited in his memorandum. Hernandez explained that City records reflect that Bosque did not obtain permission to engage in outside employment and did not comply with the disclosure requirements. When asked what he meant by disclosure requirements, Hernandez said that Bosque has not filed financial disclosures (Form 1), with the City Clerk. Hernandez was informed that the outside employment reporting requirement under Section 2-11.1(k)(2) is that all full-time employees engaging in outside employment must file an annual outside employment statement disclosing the nature of the work being done and the income earned. Hernandez said that his department is not aware of the requirement to file outside employment statements. This investigator provided Hernandez with a copy of the subject form and corresponding instructions. Hernandez said that no one engaged in outside employment in the City of Opa Locka is aware of the requirement.

10/11/12 – Lieutenant Ed Law – Opa Locka Police Department –

Lieutenant Ed Law was the off-duty coordinator. Law was asked about the off-duty hourly rate charged Atlantic Hosiery and other businesses that contract with the Opa Locka Police Department. Law said that the off-duty rate was increased to \$30.00 per hour sometime in 2010. Law believes that the off-duty rate previously was \$20.00 per hour.

10/11/12 – German Bosque –

Bosque voluntarily appeared at the COE to give his statement on the subject matter. Bosque was given an opportunity to review the ethics complaint filed against him.

Bosque said that his full name is German Bosque. He is no longer Sergeant Bosque because he was recently terminated by Assistant Chief Tony Sanchez.

Bosque resides at 200 N.W. 157 Street, Miami, FL 33169; (786) 223-4242.

Bosque's most recent employment was as Sergeant for the City of Opa Locka Police Department ("Opa Locka"). Bosque said that he worked patrol for Opa Locka on and off since 1993. Bosque said his last supervisor at Opa Locka was Captain Jorge Amaya. Captain Amaya reports to Assistant Chief Antonio Sanchez. Bosque said that he was recently fired from Opa Locka for the sixth time. Bosque said that he was fired for nothing, and he will get his job back again.

Bosque stated that he has been engaged in outside employment for Florida Commercial for several years. Florida Commercial provides security guard services. Bosque said that he is the president of Florida Commercial. Florida Commercial has about 50 employees. Bosque said that he formed Florida Commercial about 8 years ago. Bosque was asked to review the print-out of the Florida Department of State corporate information which reflects that he formed Florida Commercial in 2006. Bosque confirmed that the corporate information is accurate.

Bosque said that he thinks he had been fired at the time that he started his business. That is how he got into this business. Bosque said that he has been

engaged in outside employment for Florida Commercial since 2006 while actively working as a police officer for Opa Locka.

Bosque said one of his clients is Atlantic Hosiery. Bosque explained that his relationship with Atlantic Hosiery began 18 or 19 years ago when he was a police officer working off-duty at their old location on 47th Avenue. Bosque said that Atlantic Hosiery moved from there over to 42nd avenue, kept police at the old place and asked him to bring security in at the new place. This arrangement was maintained for almost a year—Bosque worked as an off-duty police officer in the old place while doing security at the new place. Bosque said that he was scheduled to provide un-armed security services at Atlantic Hosiery every Saturday.

Bosque described his relationship with Whitebook as a friendship and business relationship. Bosque's first involvement with Atlantic Hosiery was as an off-duty police officer. Subsequently, he and Whitebook developed a business relationship through Florida Commercial. Bosque said that Florida Commercial first started working with Atlantic Hosiery when they moved to 42nd Avenue approximately 2 to 3 years ago. Bosque's company provided unarmed security guard services for Atlantic Hosiery which entails security guard personnel services, not cameras or security alarms. Bosque said that he is licensed to provide those services.

Bosque explained that when he first started working with Atlantic Hosiery, he had only one security guard, Jose, who is still there, and is no longer working for Florida Commercial.

Bosque explained that he did not go to Whitebook to offer his company's services. Bosque thinks that Whitebook found out that Bosque had a customer, Caribe

Sales, who was one of his first customers. Caribe Sales is located at 4500 NW 135 St., and Bosque thinks that the owner's name is Frank Krieger. Bosque said that Frank Krieger needed security guard services and it was through him that Whitebook heard about Bosque and came to him at some point. Bosque explained that he does not know if Frank recommended him to Whitebook, or if Whitebook recommended him to Frank—they are very good friends.

Bosque said that Whitebook first approached him and asked about his security guard services business. Boque said that Whitebook was never completely satisfied with the police services rendered by Opa Locka. He and Whitebook would talk on weekends, and even played chess, there was a friendship, storytelling, and Whitebook would tell him that cops would come and go. Bosque said that Whitebook was paying for police services that were not being provided. Whitebook complained that the cops are not credible, and there is nothing really that you can do about it.

Bosque said that he did not personally provide security services to Whitebook, his company did. Bosque said that he did not even provide the personnel. Whitebook never even came and interview a candidate through him.

Bosque said that Whitebook told him that the son of the lady that cleans his house named Jose Arriaga is getting out of the military and seems like a straight, sharp guy. Bosque said that Florida Commercial hired him and put him to work security at Atlantic Hosiery. Bosque asked Whitebook why he did not just hire Jose himself and put him to work as in-house security. Bosque said that possibly for insurance purposes Whitebook has to have an outside company, so he hired Jose to work for Florida Commercial. The arrangement was that Florida Commercial would pay Jose a weekly

salary. Bosque said that Florida Commercial did not make a profit from Jose. Florida Commercial charged Atlantic Hosiery only what they were paying Jose, which was \$8 per hour and then it was up to \$10 because he deserved more. That is all Bosque charged Whitebook. Bosque said that, in fact, it was like a loss to him because he has to match unemployment taxes as the employer.

Bosque said that when he was hiring, he had applicants coming to his house because in the business of security you do not need an office. Bosque said that he has never had a customer come to his business or to his house. Applicants must be licensed. Anybody can have a license. Bosque said that the applicants were gathered outside his house so he decided he needed an office where he can interview people. Bosque said that Whitebook had lots of spare office space upstairs, and so he said to Whitebook, let's work something out where I'll charge you whatever I pay him. Bosque explained that he normally has a \$4 profit margin off of any guard. For instance, if he pays a guard \$8, he will charge \$12, etc. Bosque explained that the arrangement made in this case was that he paid Jose \$10 an hour and would charge Atlantic Hosiery the same while at the same time using a small office space at Atlantic Hosiery at no charge. Bosque said that the arrangement lasted a good couple of years. He had applicants coming in and applying at the space. Bosque said that he kept uniforms there, but did not have a full-time employee at the office. Bosque said that he always used the same space. He had the space for a couple of years, but only showed up maybe once a month to interview people, fire somebody maybe.

Bosque said that Florida Commercial does billing every Monday, so bills go out to customers every Monday showing what is owed. Every Monday Atlantic Hosiery got

billed by Florida Commercial, and every week Florida Commercial picked up a check from Atlantic Hosiery. Bosque said that Florida Commercial would pay the employee first and then they would get paid by the customer.

Bosque said that he did not have any other offices at Atlantic Hosiery—he just changed offices. Bosque said that it was inconvenient having his office there because he did not have a key to the front door and could not get in nights, weekends, and afterhours. Bosque advised that on September 1, 2012, he moved his business over to 13443 NW 47th Avenue. Bosque said that he did not have a lease with Whitebook prior to this year. Before leasing his present space, his agreement with Whitebook was verbal. Bosque said that he did not have a lease until we came along. Bosque said that Whitebook wanted to be proper on their verbal contract and he said, “no problem” so Whitebook put it in writing. A copy of the Lease between Florida Commercial and Atlantic Hosiery was presented to Bosque. Bosque said that this was the lease that he entered into with Whitebook. Bosque confirmed that his signature is on the lease. Bosque said that the new lease came about simply because we came inquiring. Bosque said that prior to this time, he had no lease. Bosque said that he called Whitebook and said that he needed another space where he has access. Bosque said that he told Whitebook that he wanted a place for about \$1,000 a month.

Bosque said that Whitebook was cancelling security services from Florida Commercial because Opa Locka came in there and kicked him out. Bosque said that Opa Locka came to Whitebook and told him that they could provide him with better services than Florida Commercial. Bosque said that this is something that he never did to them. Bosque said that Whitebook wanted to promote Jose because Jose caught

everybody stealing in-house and everybody was arrested in the store. Bosque explained that Whitebook wanted to promote Jose to a manager's position and take him off of payroll. Bosque said that coincidentally all this happened in September—Jose coming off of payroll, and him looking for a new place because he has a bit more money.

Bosque said that Jose has been off of Florida Commercial's payroll as of a couple of weeks ago. Bosque said that he presently uses Jose only for handing out checks. Jose lives on the property. Whitebook provides Jose with room and board in exchange for security. Bosque advised that these are all arrangements that Whitebook made.

Bosque said that he is aware that he is supposed to have permission for outside employment from his department. Bosque said that he asked for permission to engage in outside employment from whoever the Chief was at the time that he formed the corporation. Bosque advised that this issue has been brought up more than once. Bosque said that he might have an e-mail where he received permission to engage in outside employment, but it was no secret. Bosque explained that James Wright, a former Chief of Police, came in and tried to write him up for the same thing. Bosque said that Wright was out to get him also, and now he is not there anymore. Bosque said that he knows that Chief Cason knew about his outside employment before she became Chief. Bosque said that he obtained written permission on one occasion—he did not know that he had to get permission every year. Bosque said he was not aware that he also had to file outside employment statements every year with the department. Bosque explained that he did not file outside employment statements during the time

that he engaged in outside employment for Florida Commercial and worked as a police officer because he was unaware of the requirement.

Bosque was given Instructions on when to file and what to report on the outside employment statement. Bosque was advised that the COE requires that he file a statement for the past three years, 2009, 2010 and 2011. Bosque said that he hates the department being in his business, but if it is mandatory that he file the statements, he will comply. Bosque said that his department never told him that this was a requirement.

Bosque does not have any other outside employment other than Florida Commercial and a d/b/a under Florida Construction Security Services which is the same.

10/15/12 – Bosque provided the COE with copies of the Outside Employment Statements for the years 2009, 2010 and 2011.

10/26/12 – Deputy Chief of Police Antonio Sanchez confirmed to this investigator that Bosque filed the original Outside Employment Statements with the Clerk of the City of Opa Locka.

Conclusion:

This investigation did not find evidence to support a violation of *recommending professional services* as alleged in the instant complaint. Furthermore, due to fact that compliance with the outside employment reporting requirement was achieved, no further action will be taken by the COE on this matter.