

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K12-178

Date Opened: November 21, 2012

Date Closed: December 17, 2012

Name of Investigator: Breno Penichet

Allegation:

Manuel Machado (Machado) is alleging that after he lost the election for County Commissioner, District 11, Major Hernan Organvidez (Organvidez) was requested to have Machado transferred out of GIU, by Mayor Carlos Gimenez (Gimenez).

Applicable Legislation:

Sec. 2-11.1 (g) *Exploitation of official position prohibited,*

“No person included in the terms defined in Subsections (b)(1) through (6) and (b)(13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others...”

Investigation:

Machado came to the COE and was interviewed by Investigators B. Penichet, K. Rosario and Deputy General Counsel M. Ramos. Machado advised that he is a General Investigations Detective (GIU) assigned to the Hammocks District.

In March 2012, Machado took an authorized leave of absence without pay (March to August), to run for MDC Commissioner District 11, he was also granted an extension for the run off. Machado advised that while he was off another detective was detached to take his place on his squad. Machado also came in when he was needed on a case that he had worked on or needed his attention, so there was no problems with cases being dropped or lost.

Machado advised that he was approached by State Rep. Frank Artiles (Artiles) after he lost the election, and was told that Gimenez had a phone conversation with Organvidez, ordering him to transfer Machado to Uniform Patrol Central District midnights. Machado further stated the request came from the new BCC member Juan C. Zapata (Zapata).

Machado further advised that when he returned to work following the election he was advised by Captain Miguel Hernandez (Hernandez) that he was being transferred to patrol section uniform (7am to 3pm with week days off). While in the detective unit, he worked 10am to 6pm, with weekends off. This transfer would also impact on his salary and supplemental pay, along with the assignment of a permanent vehicle. Machado advised that his first line supervisor Sergeant David Quintana (Quintana) did not know about his transfer. Also, it should be noted that the detective assigned to do Machado's work was sent back to his/her original unit, and no replacements were brought in. Machado advised that the phone call from the Gimenez to Organvidez was overheard by an unknown Sergeant. Machado obtained this information from David Guzman (Guzman). Guzman was provided the information by Officer David Comasante. Machado also believes that Zapata may have come to the station, and met with Organvidez in person, if so there should be a video of the visit.

According to Machado, he will be filling an Internal Affairs complaint (IA) regarding the fact that someone may have released information on an active IA case currently being investigated by PCB. Machado advised that Zapata hired a campaign consultant also used by Gimenez, to make robo calls containing information about the complaint.

Investigator Penichet reviewed the documents provided by Machado:

1. Letter from Cunill Law firm dated 10/23/12
2. Property Summary for two Miami-Dade properties belonging to Zapata
3. PCB general logs
4. Memo advising of public records request by Miami Herald dated 7/23/12
5. Appearance Notification PCB dated 11/16/12
6. Memo from Peter Sobota Attorney Dated 4/17/12
7. Miscellaneous computer sheets showing information on Machado.

All above documents are included in the file.

CONCLUSION:

All the above information was discussed with Advocate M. Murawski. He advised that this is a personnel matter and therefore the instant case is closed without further action.