



Miami-Dade Commission on Ethics & Public Trust

Report of Investigation

Investigator: Sylvia Batista

Case: K14-020	Case Name:	Date Opened:	Date Completed:
Complainant(s):	Subject(s): John Watler.	 12/16/13	 4/14/14

Allegation(s):

On or about 02/20/14 the Office of the Inspector General referred a matter to the COE involving John Watler (Watler), a Fire Fighter with Miami-Dade County Fire Rescue Department (MDFR). Watler is alleged to have engaged in unauthorized outside employment in connection with Top Rank Fitness, Inc. (TRF), a Florida for-profit corporation formed by Watler on 08/25/12. Watler is also alleged to have exploited his official position as a MDFR fire fighter for frequently referencing his fire fighter position in TRF's website (toprankfitness.com).

Relevant Law:

Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1(k)(2) *Prohibition on outside employment by County personnel and disclosure requirements*; and
Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1(g) *Prohibition on exploitation of official position*.

Investigation:

Document Review and Research -

Special Agent Juan Koop of the OIG provided the following research results regarding Watler and TRF:

1. Florida Department of State Division of Corporations records reflect that there are two Florida corporations registered under the name "John Watler." One of the corporations is Top Rank Fitness, an active Florida for-profit corporation filed on 08/25/12. The other is JW Business, Inc. formed on 02/01/06 and administratively dissolved on 09/26/08.
2. Research done by the Miami-Dade County Elections Department revealed that its database contains no record indicating that Watler has filed an Outside Employment Statement or Financial Disclosure documents for the time period from 1999 through 2014.
3. Research conducted by Miami-Dade County Human Resources Department regarding training records for Watler reflect that Watler completed training on the topic of outside employment on 12/07/06 and 12/24/13.

A Memorandum from SA Koop to the file dated 01/27/14 informs that he met with Flora Seff, Senior Legal Liaison Miami-Dade Fire Rescue Department, (Seff) concerning the allegations against Watler. SA Koop said that pursuant to Seff, Watler's use of MDFR uniforms, vehicles, and videos to promote his personal business is a violation of Miami-Dade County Administrative Orders No. 7-1 and 8-5.

SA Koop also described the results of his examination of TRF's website (<http://toprankfitness.com>) in his memorandum dated 01/29/14. SA Koop describes the contents of the website as follows:

1. Several pictures of MDFR fire fighters in uniform performing official duties using MDFR equipment.
2. A video of MDFR fire fighters near a plane which is on fire.
3. A picture of Watler riding a MDFR truck with the caption, "Coach John Watler."
4. Numerous written referenced to Watler's employment as a fire fighter.
5. Personal endorsements by MDFR Chief Stephen Kilby, Captain Erick Gonzalez and FF Henry Wong.¹
6. A picture of Watler depicting half of his body in a FF uniform and the other half in training attire.
7. Numerous pictures of Watler performing specific exercise routines.

03/19/14 - Research on the Electronic Database Management System (EDMS) for Outside Employment Statements revealed that Watler has not at any time filed Outside Employment Statements in connection with his outside employment with TRF. Watler's Outside Employment Statement for 2012 was due on or before 07/01/13, and his statement for 2013 is due on 07/01/14.

¹ The website contains an announcement that two members of TRF, Captain Erick Gonzalez and FF Henry Wong, have been selected for the 2014 South Florida Firefighter Calendar.

03/25/14 – Review of TRF website (<http://toprankfitness.com>). As outlined by SA Koop in his 01/29/14 memorandum, Watler frequently uses his position as a fire fighter throughout the website to promote his private business. The website reveals that TRF is owned and operated by Watler, who has been a personal trainer since 1994. The website also references the fact that Watler is a fire fighter and shows photos of Watler performing fire fighter activities and sitting behind the wheel of a fire truck. The website also contains personal endorsements from MDFR Airport Division Chief Stephen Kilby (Kilby), who refers to himself as “Fire Fighter” only. The endorsements from MDFR Captain Erick Gonzalez (Gonzalez) and FF Henry Wong (Wong) found in the website are illustrated through before and after photographs. There is no mention of their positions as FFs with MDFR. Any and all references to MDFR were removed, or blurred from all equipment used on the website.

Interviews and e-mails:

04/09/14 – John Watler, Fire Fighter, Miami-Dade Fire Rescue Department –

Fire Fighter John Watler was told about the matter at issue and asked to come to the COE to give his statement.

Watler stated that he has been a fire fighter with MDFR for 11 years (since 2003). Watler explained that he has been a personal trainer since 1994 or 1995. TRF is his first business related to providing fitness training and instruction to private customers and fellow MDFR fire fighters.

Watler said that JW Business, Inc. is a corporation which he formed several years ago for the purpose of real estate and mortgage services. JW Business, Inc. was dissolved in 2008. Watler did not have permission to engage in outside employment in connection with JW Business, Inc.

Watler said he formed TRF in August of 2012, but it eventually became a business when he started charging for his services at the end of 2012. Watler said that when he formed TRF he had been sporadically doing personal training, not as a business, but as a hobby.

Watler said he felt compelled to form TRF because of the high demand for his training techniques by other MDFR fire fighters. Watler said that he would sometimes train fire fighters that he works with at the fire station because he was also working out at the station, but not because he was hired to train them. Watler said he had so many people asking him for help at work, that he decided to start the business. He wanted to develop something for people to do to get in shape. Watler said that once he started TRF he stopped working out at the fire station and told those who inquired about his training to look at the website.

Watler explained that TRF does not have a physical location. People go to the site, send in

their information, and say what they would like TRF to help them do. Watler said that he then sends the meal plans and instructions to the customer. Watler said his plan is based on what is available to the customer. He does not physically train customers.

Watler said that after he formed TRF he told the other fire fighters about his company. Some fire fighters became paying customers of TRF. Some fire fighters wanted him to meet them at the fire station gym and train with them. After TRF, he would tell them to go on the website. This would stop people from asking him for his assistance.

Watler said that he was present at the meeting called by Chief Kilby for those fire fighters interested in receiving a BS degree from St. Thomas University. Watler said that while he was at the meeting, he did not hear Chief Kilby mention TRF at any time, or make any reference to the great results he has achieved through Watler's training. Watler said that the BS degree presentation was put on by Arthur Holmes, who is a retired MDFR fire chief.

Watler explained that Chief Kilby received his information on diet and fitness from Watler before the TRF website was launched. The website was not created until December 2012 or January 2013. Most of the fitness achieved by Chief Kilby happened before TRF. As it can be seen in the website, Chief Kilby was already fit when the website was created.

Watler said that in creating his website he made certain that any reference to or identifiable marks of MDFR were removed. When asked about the photo of him behind the wheel of a MDFR fire truck, he said that the words "Miami Dade County" were deleted from the logo on the truck, and that he deleted the same words from the t-shirt he wears on the home page of the website.

Conclusion(s):

A review the Watler's website reveals no use of MDFR indicia or logos. The website references the fact that Watler is a fire fighter and shows photos of Watler performing fire fighter activities and sitting behind the wheel of a fire truck but nothing on the website identifies him as an of MDFR. The endorsement by Kilby simply state "Fire Chief, Miami, FL." Likewise, the endorsements from Gonzalez and Wong, found in the website, are illustrated through before and after photographs. There is no mention of their positions as FFs with MDFR. Therefore, there is no evidence to substantiate a violation of Sec. 2-11.1(g), *Exploitation of official position prohibited*.

There is sufficient evidence that Watler has engaged in outside employment at least since 2012 and has not filed his source of income statement as required. There is also evidence that Watler attended training on this very subject. Turned over to the Advocate for filing decision on a violation of Sec. 2-11.1(k)(2), *Prohibition on outside employment by County personnel and disclosure requirement*.

