



Miami-Dade Commission on Ethics & Public Trust

Preliminary Inquiry Report

Investigator: Manuel W. Diaz

Case No.: PI 14-050	Case Name: Corrections	Date Open:	CASE CLOSED Date: <u>10/15/14</u>
Complainant(s): Bernard Heriveaux	Subject(s): Ronald Rahming	10/03/14	

Allegation(s):

Bernard Heriveaux (Heriveaux), a Corporal with Miami-Dade Corrections Department (Corrections), sent correspondence to the Miami-Dade Inspector General (OIG). In his correspondence Heriveaux requested protection, as a whistleblower, under the Federal Code, "civil rights" and State Statutes. The OIG referred the correspondence to the Commission on Ethics (COE) for investigation.

In his letter, Heriveaux explained that his supervisor Sergeant Ronald Rahming (Rahming), first verbally counseled him, then issued him a Record of Counseling (ROC) for failing to take proper action when dealing with an employee; a Correction's Lieutenant that Heriveaux supervises. The ROC instructs Heriveaux that in the future he, as a supervisor, should take appropriate action when he encounters negative conduct by a subordinate.

Relevant Ordinances:

Miami-Dade County, Code of Ordinances Part II, Chapter 2-Administration Article IV- Personnel- Division 6. Protection of Employees Disclosing Specific Information.

Investigation:

Interviews:

Bernard Heriveaux-

Heriveaux advised that he had only briefly reviewed the section of the Miami-Dade County Code dealing with the Protection of Employees Disclosing Specific Information - the Whistleblower Protection Ordinance.

Heriveaux was advised that the Code is specific as to the nature of the information disclosed and to whom the information must be disclosed, and that his complaint does not fall within the parameters set by the Code.

Heriveaux was also advised that he can only be considered a “Whistle-blower” if fulfills the requirements of such as delineated in the Florida Whistle-blower’s Act. Furthermore, in order to be protected under the Whistleblower Protection Ordinance, the individual must suffer “adverse personnel action” because he/she acted as a whistleblower. Heriveaux does not qualify as a whistleblower and to date, he has been verbally counseled and issued a ROC, neither of which is considered “adverse personnel actions.”

Heriveaux replied that he understood and did not wish to pursue the matter any further.

Documents Reviewed:

Correspondence relating to the Heriveaux’ complaint to the OIG. (Copy in file)

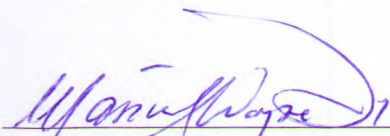
Miami-Dade County, Code of Ordinances Part II, Chapter 2-Administration Article IV- Personnel- Division 6. Protection of Employees Disclosing Specific Information.
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Conclusion:

- Heriveaux is not a whistleblower. In order to be a whistleblower, an individual must:
- (1) Disclose any violation of any federal, state or local law, rule or regulation committed by an employee or agent of the County or independent contractor which creates and presents a substantial and specific danger to the public's health, safety or welfare; or
 - (2) Any act or suspected act of gross mismanagement, malfeasance, gross waste of public funds, or gross neglect of duty committed by an employee or agent of the County or an independent contractor.

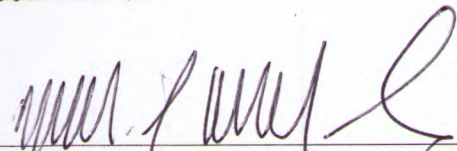
Even assuming Heriveaux was a whistleblower, he did not suffer the requisite "adverse personnel action" to be protected under the County Ordinance.

Heriveaux felt that the ROC was not justified and that he was treated unfairly. His complaints do not amount to whistleblower status. The whistleblower ordinance was explained to Heriveaux, he acknowledged that he understood and no longer wished to pursue his complaint. Accordingly, this matter should be closed with no further action.

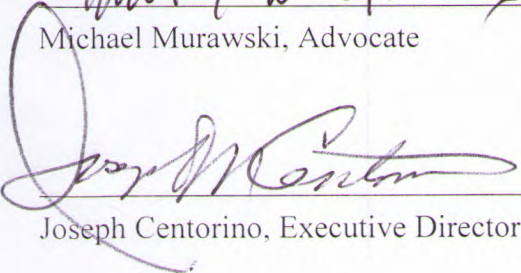


Manuel W. Diaz, COE Investigator

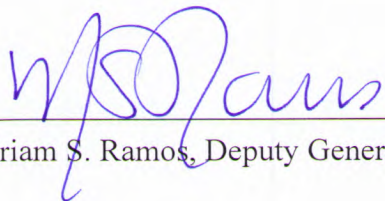
Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director



Miriam S. Ramos, Deputy General Counsel

10/15/14

Date