



Miami-Dade Commission on Ethics & Public Trust

Preliminary Inquiry Report

Investigator: Breno Penichet

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| Case No: PI 14-008 | Case Name: MDPD Public Records Request | Date Open: | CASE CLOSED Date: <u>5/22/14</u> |
| Complainant(s): Samantha Steinberg | Subject(s): Miami-Dade Police Department / CID | January 29, 2014 | |

Allegation(s):

Complainant alleged that the Miami-Dade Police Department (MDPD) and Elections Department (Elections) attempted to conceal public records by advising complainant they were not available. Complainant also alleged that employees listed in the public records request were engaged in outside employment without having the proper authorization for outside employment.

Relevant Ordinances:

Florida State Statute, Chapter 119, Public Records Law

Investigation:

COE investigators reviewed the complaint along with the attached documents. In reviewing the information provided by the complainant, Samantha Steinberg (Steinberg), investigators found the following:

- Steinberg advised that her Attorney submitted public record request to the MDPD and Elections and was advised that the records requested were not available.
- The records requested were a memorandum directive requiring employees to obtain permission for outside employment and the authorization for outside employment for several employees in the Criminal Investigation Division (CID) section of MDPD.
- A review of the documents provided by Sarah Chastain concerning the request made by James Casey (in the 12/27/2013 letter to Elections) for outside employment authorization forms for 2013 for seven (7) CID employees, reveals that Brian Cerchiai, Heather Kendall, George Hertel, John Mancini and Igor Pacheco did have current authorizations for outside employment, they also filed outside employment statements.
- There were no forms provided for Bengal Dow and Christine Kruse. Both officers were contacted and advised they did not have outside employment.

Interviews:

Samantha Steinberg

COE investigators contacted Steinberg to obtain further information regarding her complaint. Steinberg directed us to her attorney:

James Casey (Casey)
2701 Ponce De Leon Blvd.
Coral Gables, Florida

Casey, representing the complainant, was interviewed on the telephone. He provided information concerning this investigation. Casey advised that he filed several public records request with the MDPD on 12/26/2013, 12/27/2013 and 2/18/2014, in order to obtain records on outside employment. Casey advised that he received a letter from Chief Alfredo Ramirez (Ramirez) advising there were no "Directive Acknowledgement Forms on record" Casey advised that he did receive the other records he requested.

Sarah Chastain (Chastian)
MDPD, CID

Chastain, Administrative Assistant to Chief Ramirez, was contacted and interviewed on the telephone. She advised that three (3) requests were received from Casey concerning outside employment and authorization for outside employment. Chastain advised Casey was provided with all the documents he requested. Chastain advised the records were turned over to Steinberg.

Documents Reviewed:

1. Letter dated 12/26/2013 by Casey to Ramirez for "Directive Acknowledgement forms," in regard to Memo issued on 6/24/2013.
2. Letter dated 12/27/2013 to "Custodian of Records Miami-Dade Elections."
3. Memo dated 6/24/2014, from Ramirez to all personnel, regarding outside employment.
4. Letter dated 1/7/2014 from Ramirez to Casey advising no "Directive Acknowledgement forms" on file with regard to Memo issued on 6/24/2013.
5. Letter dated 12/26/2013 by Casey to Ramirez for all outside employment authorizations and outside employment statements.
6. Outside Employment Request 2013.
7. Outside Employment Statements.

Conclusion(s):

As a result of the interviews and the review of the documents provided by Chastain, it appears the documents requested were provided to the complainant. There is no proof that the administration tried to hold back any documents. Two (2) letters that were sent to the CID. The first one dated 12/26/2013, was for a particular form number 32.01.01-5A, "MDP Directive acknowledgement form." The document refers to a memo written by the Deputy Chief in charge of CID advising the employees they cannot engage in outside employment unless they have official permission. The second letter dated 6/24/2013, was a specific records request for the outside employment authorization for seven (7) employees, whose names were provided. A third request was submitted on 2/18/2014 for more records. All the available records were turned over to Casey on 3/4/2014; this was verified by COE investigators.

Advocate Michael Murawski advised that no further action would be taken accordingly; it is recommended that the above case be closed.

Breno Penichet, COE Investigator

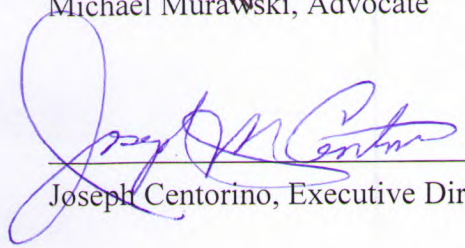
Approved by:



Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director



Date