



Miami-Dade Commission on Ethics & Public Trust
Report of Inquiry

Investigator: Sylvia Batista

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|--------------------------------------|------------------------------------------|----------------------------|------------------------|
| Case: PI16-048 | Case Name: | <u>Date Opened:</u> | |
| Complainant(s): Anonymous, | Subject(s): Sandra P. Alvarez. | 10/24/16 | CASE CLOSED |

Date: 4/26/12

Allegation(s) and Background:

An employee of the New Business section of the Miami-Dade Water and Sewer Department (WASD) contacted the COE and alleged that the New Business Manager at WASD, Sandra P. Alvarez (Alvarez), had recently hired her stepdaughter, Krystel De Armas (De Armas) as a New Business Representative. Source further alleged that Alvarez had created the position for De Armas and hired two of her personal friends giving them lead worker status. The names of the friends are Yoanet Rubalcaba and Juany Macias, who are both listed as New Business Supervisors 1. Alvarez is said to be the direct supervisor of her alleged friends, one of whom supervises De Armas.

An inquiry was initiated by the COE to determine the validity of the allegations.

Relevant Laws:

Florida Statutes, Sec. 112.3135, sets forth the Nepotism Policy adopted by Miami-Dade County, which states that such policy,

- Prohibits appointment, employment, promotion or advancement, of specified relatives by any public official who is vested with or delegated the authority to appoint, employ, promote or advance, or is in a position to recommend an individual for appointment, employment, promotion or advancement.¹
- Although it prohibits public officials from employing or promoting their relatives, it does not prevent relatives from working together in the same department.

The Conflict of Interest and Code of Ethics Ordinance, 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 of attempt to use his or her official position to secure special privileges or exemptions for himself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.

Documents Reviewed:

The following documents were produced in response to the COE's public records request dated 10/28/16:

- New Business Representative scores for fee calculations letter – De Armas scored a total of 10 points being one of two applicants who scored this high.
- WASD Interview Scoresheet - De Armas was tested and rated by three panel members, receiving scores of 35, 32 and 32 on the test of her skills, knowledge, confidence, and self-assurance from past experience. Two applicants scored higher than De Armas.
- The scores attributed to De Armas and three (3) other applicants placed them in Band A.
- The panel members were Raymond Chirino, Nathasis Sonny and Dennis Kane.
- Job description of the position of New Business Representative.

¹ Applicable relatives include: Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, and half sister.

01/25/17 - Research conducted located a dissolution of marriage between Alvarez and her former spouse, Ignacio De Armas, on **09/22/09**.

Interviews:

01/20/17 – Ruben Arias, Chief of New Customer, WASD –

Ruben Arias (Arias) is Alvarez's direct supervisor. Arias was contacted and advised as to the allegations made against Alvarez. Arias said that he was not aware of a familial relationship between Alvarez and De Armas. Arias said that the New Business Representative position filled by De Armas was one of several vacant positions and was not recently created.

01/20/17 – Sandra P. Alvarez, New Business Manager, WASD –

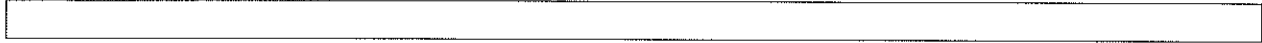
Alvarez was contacted and informed of the allegations made against her. Alvarez said that De Armas is not presently her step-daughter, but added that she had been married to De Armas's father several years ago. Alvarez said that she was separated from De Armas's father in September of 2008 and they were divorced in 2009. Alvarez said De Armas did not live with her while she was married to her father, she lived with her mother. Alvarez guessed that De Armas was a teenager during the years that she was married to her father. Alvarez denied that the position of New Business Representative was created for De Armas.

When asked about her relationship with the alleged friends hired as New Business Supervisors I, Alvarez said that she has become friends with the two women since they began working there, but they were not friends from before.

02/10/17 – Sandra P. Alvarez, New Business Manager, WASD –

Alvarez was contacted for additional information regarding the hiring of De Armas. Alvarez said that the position filled by De Armas was an advertised position. There were four openings at that time. Alvarez said that she did not tell De Armas about the job opening and did not know that she had applied for it. Alvarez added that she and De Armas did not keep in touch or regularly speak to each other after she divorced her father. De Armas was a teenager at the time that she and De Armas's father were divorced.

Alvarez explained that the decision to hire De Armas was not her decision. De Armas was hired along with the three other applicants who were in "Band A." The Band A applicants included De Armas and the three applicants with the highest scores. Alvarez added that all applicants tested and interviewed along with De Armas have been hired except for those who fell into Band F and those who no longer wanted the position. At the first round of hiring only Band A applicants were hired. Alvarez said that the hiring decisions are made pursuant to how the applicants test. The decision to hire applicants who scored highest is approved by Cecilia Brewer-McDuffie, Chief, WASD Human Resources and John Mendez, Assistant Director of WASD Human Resources.



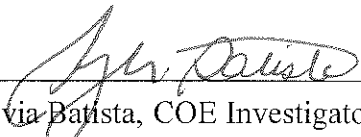
Analysis and Conclusion:

Irrespective of the fact that De Armas was hired in November of 2015, a full six (6) years after Alvarez divorced her father thereby ending their familial relationship, there remains an appearance of impropriety when a manager supervises her former stepdaughter.

It should be noted that Miami-Dade County's Nepotism Policy, adopted 7/30/07, states as follows: **"Department Directors are strongly encouraged to refrain from placing relatives within another relative's chain of command or placing or maintaining relatives in close proximity in a departmental unit."**

Nonetheless, because Alvarez did not hire De Armas and was no longer De Armas's step mother at the time of De Armas' hiring, there is no evidence to substantiate a charge of nepotism by Alvarez in violation of F.S. 112.3135 or the County Ethics Ordinance.

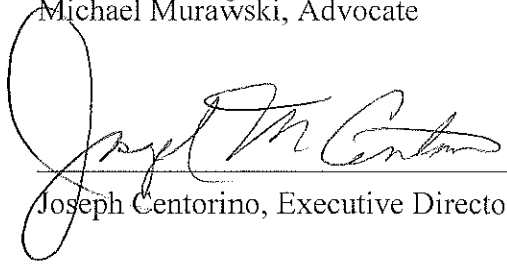
For this reason, this matter can be closed with no further action by the COE. The Director of the Water and Sewer Department for Miami-Dade County should be apprised of the findings of this inquiry.


Sylvia Batista, COE Investigator

Date: 4/26/17


Michael Murawski, Advocate

Date: 4/26/17


Joseph Centorino, Executive Director

Date: 4/26/17