



Miami-Dade Commission on Ethics & Public Trust

Preliminary Investigative Report

Investigator: Nilda Olmo, Breno Penichet

Case: PI 16-52	Case Name: Ricardo Martinez Assistant Director Department of Human Resources, City of Miami	Date Opened: 12/23/2016 CASE CLOSED Date: 1/27/17
Complainant(s): Anonymous	Subject(s): Ricardo Martinez	

Allegation(s):

COE received information via an anonymous complaint regarding Ricardo Martinez (Martinez). Martinez is the Assistant Director of Human Resources (HR) for the City of Miami. The caller stated that Martinez recently married Teresita C. Perez (Perez), also employed by the City of Miami as a Labor Relations Specialist. Furthermore, the caller stated Perez is pregnant with Martinez's child.

The caller mentioned that Perez is supervised by "Ms. Klose", but when she is not present, Martinez acts as Perez's supervisor. Additionally, the caller mentioned "Ms. Klose" was out of the office for several months on maternity leave, leaving Martinez supervising Perez.

Relevant Law:

Neptism, F.S. 112.3135 *Restriction on employment of relatives.* (2)(a) A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or

over which the official exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member.

Miami-Dade County 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 Subsection (b) (1) through (6) and (b) (13) shall use or attempt to use his or her official position to secure privileges or exemptions for himself or herself 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.

Investigation:

Interviews

Ricardo Martinez (Martinez) Assistant Director, Department of Human Resources

Martinez voluntarily agreed to meet with COE Investigators, Nilda Olmo and Breno Penichet, regarding a possible Nepotism and/or Exploitation violation.

Martinez stated that Teresita Perez has been employed with the City of Miami since 08/13/2007. They started dating approximately three years ago and married on 11/19/2016. They are expecting their first child in March.

In 1997, Martinez started with the City of Miami holding four different positions in the HR department and advancing to Assistant Director for HR. The department is divided into 7 sections, all of them under the supervision of Director Klose:

- Labor Relations
- Testing
- Pre-Employment
- Employment
- Records
- Training
- Compensation

Martinez oversees and supervises three of the seven divisions. Perez is a Senior “Labor Relations” Specialist. Martinez has no supervisory authority over her section.

Martinez was very cooperative and went over the department’s organizational chart. He also provided COE investigators with an email from City Manager, Daniel Alfonso (Alfonso), dated 06/24/2016, to Department Directors and Assistants, regarding temporary reassignment of “Labor Relations”. The email reflected the change due to Klose being out on maternity leave. As stipulated, “Labor Relations” would report to Alfonso.

**Amy Klose (Klose), Director-Human Resources
City of Miami**

COE Investigators interviewed Klose regarding possible Nepotism and/or Exploitation allegations against Martinez.

Klose stated that Martinez is an exemplary employee and that the information we received was inaccurate. She assured that there is no Nepotism and/or Exploitation since Martinez, does not supervise Perez and “Labor Relations” is one of three sections outside of Martinez’s supervisory responsibilities. Klose, as the Director of HR, is Perez’ direct supervisor. In Klose’s absence, employees report directly to Alfonso.

Klose provided us with the same email sent out by Alfonso advising Directors and Assistants that in the event that she is out, division employees will report directly to Alfonso. Upon her return, it will revert back to her, as Director of HR.

Investigation:

E-mails

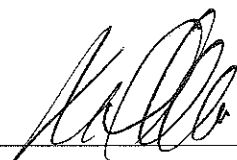
DATE	FROM	TO	DESCRIPTION
06/24/2016	Daniel Alfonso City Manager	HR Directors/Assis tants	Labor Relations temporary reassignment
06/24/2016	Amy Klose Director, HR	Department of Human Resources	Labor Relations temporary reassignment

Records Review:

Senior Labor Relations Specialist Job description.
Department of Human Resources organizational chart.
E-mail from Alfonso to all Directors/Assistants.
E-mail from Klose to HR department.


Conclusion:

After consultation with the Ethics Advocate it was determined that this matter would be closed with no further action.

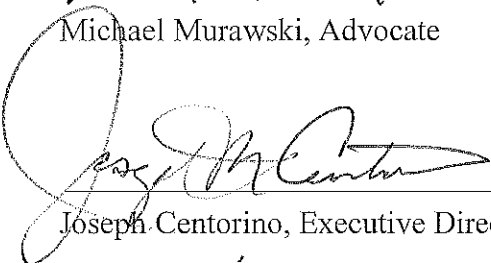


Nilda Olmo, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director

Date: 1/27/17