



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Robert Steinback

Case P117-08	Case Name: Vina	Date Open: January 20, 2017	Date Closed:
Complainant(s): Lazaro Vina Jr.	Subject(s): Lazaro Vina Jr.	CASE CLOSED	

Date: 5/17/17

Allegation(s):

Vina contacted the COE to report that he was facing disciplinary action from his superiors for drafting and circulating, via his county e-mail, a petition calling for an investigation and audit of his Local 121 Union president (Emilio Azoy). The e-mail asked the recipients to print out, sign and return the petition.

Vina considered the pending disciplinary action retaliation for action that should not have been considered a violation, because the call for signing the petition could be considered a permitted personal matter under County Administrative Order 5-5.

Relevant Ordinances:

Investigation

Interviews

Lazaro Vina, February, 27, 2017

Vina told the investigator that he had spoken to Sola [Lester Sola, director of WASD], who came to the conclusion to treat this informally, with the conclusion, "Don't do it again." Vina said the Department did not write him up.

Vina referred to County Administrative Order 5-5, which says that County employees can use County computers, etc., for limited personal use. He believed that his particular use of his computer could have been considered a limited personal use.

Vina said he believed "more is going on" politically within the union, and that the individual who threatened to write him up for the alleged infraction is on the union committee and, evidently, a sympathizer with the opposition to Vina's allies.

In answer to a question about the demotion on his record, Vina said that he was promoted to plant mechanic, but that he found the job was "too slow for me," and asked for a transfer back to maintenance, which was approved.

(Name, title, contact information)

Summary of interview

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Summary of interview

Document/Audio/Video Review:

A public records request was made of Cecilia Brewer-McDuffie, HR director for WASD, on February 24, 2017, for copies of records of any disciplinary action taken against Vina, or any job reassignments, since Oct. 1, 2015.

- In a reply e-mail dated February 27, 2017, Brewer-McDuffie wrote that there were no disciplinary actions taken against Vina during the specified time period. .
- Two job reassignments were noted: A promotion to Water and Sewer Plant Mechanic, dated June 6, 2015; and
- A demotion to Water and Sewer Utility Equipment Technician, dated December 21, 2015. An accompanying memorandum dated December 16, 2015, from Brewer-McDuffie to Vina, notes that the demotion was voluntary. A subsequent conversation with Vina (noted above) confirms that Vina requested the demotion due to dissatisfaction with the pace of his new job.
- Both the promotion and subsequent demotion occurred significantly earlier than the precipitating events in question in the present case.

The initial message from Vina to COE, outlining his initial complaint.

Analysis

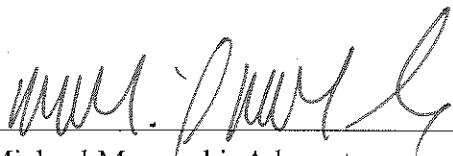
Vina's original motivation for contacting COE was a fear of retaliation against him for having used County computer equipment to distribute union-related information. There is no documentation suggesting that Vina's supervisors took any negative or disciplinary action against him. Vina affirms that he was verbally counseled "not to do it again," and that the matter was subsequently dropped.

Conclusion

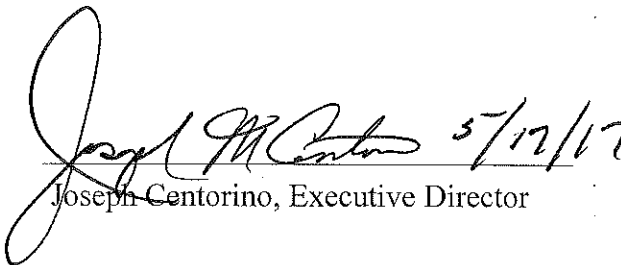
After consultation with the ethics Advocate it was determined that no evidence existed of an ethics violation and this matter would be closed with no further action.



Robert Steinback, COE Investigator



Michael Murawski, Advocate



Joseph Centorino, Executive Director