



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Robert Steinback

Case: PI17-044	Case Name: Alina Hudak	<u>Date Open:</u> December 5, 2017	<u>Date Closed:</u>
Complainant(s): Anonymous	Subject(s): Alina Hudak	CASE CLOSED	

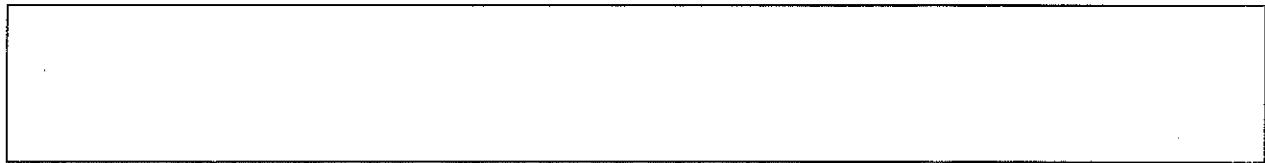
Allegation(s):

Date: 6/4/18

Complainant alleges that in 2014, Alina Hudak (Hudak), one of the County's Deputy Mayors, used her influence to suppress or "slow-walk" an internal County investigation into sexual harassment allegations against former Assistant Director of Disposal Operations for the Department of Public Works and Waste Management, John Michael Moore (Moore). The alleged purpose of this action was to not jeopardize Moore's application for an administrative position with the City of Miramar, Broward County, Florida, by keeping the report open and thus not available for public records disclosure. Moore eventually was offered and accepted the position in Miramar, working under a former Solid Waste director, Kathy Woods-Richardson, who had become Miramar City Manager not long before.

Relevant Ordinances:

Complainant alleges a violation of Sec. 2-11.1 (g) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance: (g) Exploitation of official position prohibited. *No person [covered by this provision] shall use or attempt to use his or her official position to secure special 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

Michelle Sifontes (Sifontes) – Human Resources director for Solid Waste

Sifontes said “John Smith” – the anonymous source of the COE complaint – sent her an e-mail on Nov. 27 or 29th. Sifontes said the message originally didn’t get to her but to someone else because of a misspelling.

She couldn’t get on a computer until late Friday. Her response got stuck in her out basket.

Sifontes said her Public Information Officer received an email from Researchbids [same email as complainant] asking about a Public Records Request regarding Moore. Answered by Elial Flores, records custodian. County attorney Bill Candela asked Michelle Sifontes not to respond. Sifontes said she didn’t have possession of the documents [to fulfill the request].
END SIFONTES

Met with **Beverly Washington** (Washington) and her attorney, Tarlesha Smith (Smith) at Smith’s 1111 Park Center Blvd, suite 105G, Miami Gardens, 786-219-1151)

Washington said she was the complainant in an EEOC case against Moore, which dates back to 2014 or 15 and is still open; it was also filed against Mark Brown. I explained that I was not there to litigate the content of either complaint, but only to see if there is an ethics case regarding manipulation of the County case.

Washington said Kathy Woods-Richardson took both Michael Moore and Willie Johnson with her to Miramar when she left. Washington said both men had been harassers.

Washington said “it was my understanding that it [the case against Moore] got delayed for a long time. He was able to resign. So many people were coming forward that he resigned.” Washington said Woods-Richardson was able to “get them to delay. She took them to Miramar.” She said “both [Moore and Johnson] had open cases with many people coming forward.”

Washington said she complained to HR, including to Michelle Sifontes; also to Paul Mauriello (Mauriello) [former Solid Waste Assistant Director of Waste Operations], Amisha Daniels, Trenise Lamb-Gray [Human Resources Manager – Discipline] and Yvette Colbourne [former Solid Waste administrator who went to Miramar as a City Commissioner].

Washington said Moore already has a complaint against him in Miramar. She said her complaint went to Kathy Woods-Richardson, who “never did anything.” Washington said there had been internal developments that Woods-Richardson would not be continuing as

director of Solid Waste, prompting her to seek the position in Miramar. Washington said Moore had a history of complaints against him, in previous County positions including Aviation, Public Works prior to Solid Waste.

Washington described the offenses she alleges Moore committed against her. In addition, she said he would talk to her about personal aspects of his marriage. Washington said she tried to never be alone with Moore. When she filed the sexual harassment complaint, she requested that she not be named for fear of retaliation.

She said Kathy Woods-Richardson was “protecting him,” though she could not speculate as to why.

Washington said she came to believe that Woods-Richardson and her cohort would “go after” anyone who was close to her, including the chief of the enforcement division, the assistant director [her direct boss]...

Washington said after complaining about treatment by Moore and Johnson, she and her husband, also a County worker, were demoted on the same day. Once her complaints began, Washington said her supervisors wanted to demote her, but she had civil service protection.

Washington said she tried to avoid being alone with Moore. She said that “when they saw I wouldn’t back off, they went after her and even her friends. She said Woods-Richardson pleaded with her not to file a complaint, saying, “I’ll handle it.” Washington said that Woods-Richardson “took her two biggest violators with her.” As violations piled up, she couldn’t protect Moore and Johnson. Washington alleges that Woods-Richardson asked Alina Hudak to wait, and she’d take them with her to Miramar, according to someone who supposedly had overheard the exchange.

Washington said Woods-Richardson had been told by the Mayor that she would not continue on as director [no independent source corroborates this]. Both [Moore and Johnson] had pending cases which had to be closed in order to get them up there to Miramar, Washington said, adding that Woods-Richardson asked for time to get them up there.

END RICHARDSON

Alina Hudak, at her office, May 22, 2018.

Hudak spoke highly of Moore’s administrative skill, while mostly minimizing the questions about his alleged sexual harassment. She called him “a very knowledgeable, strong administrator.”

Hudak said she recalled receiving anonymous letters about Moore’s conduct. “I remember Paul Mauriello [then-Deputy Director of Solid Waste] and I calling Michael in, and telling him that, whether real or perceived, there were concerns about your behavior. We had an informal counseling session with him.”

Regarding Woods-Richardson, Hudak said, "Kathy [Woods-Richardson] hired him because she wanted to. Kathy and I never, ever spoke about Michael."

Hudak noted that Central HR did the case review of the allegations against Moore, specifically to create distance and reduce the chances of bias compared to having HR for Solid Waste conduct the investigation.

Hudak said she just found out in the last few days that the EEOC case against Moore was still open.

Hudak read the anonymous letter that prompted this investigation. She categorically denied each specific allegation that mentioned her.

END HUDAK

Document/Audio/Video Review:

Received from Miami-Dade County Human Resources by Public Records Request:

- Memorandum dated April 9, 2014; received by Hudak on April 11, 2014. Subject: Anonymous Complaint, Allegations of Sexual Harassment against Michael Moore, from Arleene Cuellar, Director of Human Resources, to Alina T. Hudak, Deputy Mayor/Interim Director, Public Works and Waste Management Department.

*Report of investigation of anonymous charges against Michael Moore, Assistant Director of Disposal Operations, initiated November 6, 2013 by the Office of Human Rights and Fair Employment Practices (OHRFEP). Excerpt: "*OHRPEP's investigation revealed no evidence to corroborate the claim that Moore has engaged in unlawful (underscore in original) sexual harassment. Nevertheless, the investigation revealed there is a perception of sexual favoritism amongst the majority of employees in the Enforcement Division. Unfortunately, the appearance of impropriety is fueled in large measure by Moore's generally aggressive and domineering management style, contrasted with his overly-friendly, if not blatantly flirtatious, conduct towards certain subordinate female employees...*" This case was closed effective April 11, 2014.

**April 3, 2014 memorandum from Norma Richards OHRPEP Specialist, to Tyrone W. Williams, Division Director, Labor Relations, Office of Human Rights and Fair Employment Practices; Subject: Anonymous Complaint; Allegations of Sexual Harassment against Michael Moore (Case No. 101694). Excerpts: *Moore adamantly denied the allegations that he promised female employees permanent positions or any other job benefits in exchange for sexual favors. [...] The investigation revealed no evidence to corroborate the claim that Moore has engaged in unlawful sexual harassment. Nevertheless, it is important to note that the employee morale in the Enforcement Division is very low due in large measure to Moore's generally aggressive and controlling management style towards some employees contrasted with his overly-friendly, if not*

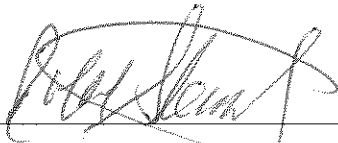
blatantly flirtatious, conduct toward certain female employees and specific staffing decisions which many feel are unfair [...] There is no probable cause to believe Moore has engaged in any unlawful discriminatory or harassing conduct; however, based on the findings of this investigation, there is an appearance of impropriety, buttressed by Moore's overly friendly conduct toward certain subordinate female employees. ...

■ Received from City of Miramar:

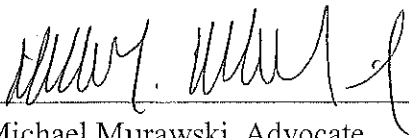
- J. Michael Moore's application to Miramar, résumé and related documentation. Included in the package was a 2016 lawsuit filed by Miramar employee Georgina Cid against the City of Miramar, alleging, among other things, that J. Michael Moore "harassed and demeaned" her. The lawsuit was dismissed as legally insufficient.

Conclusion:

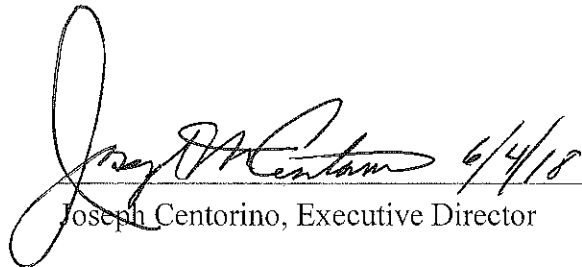
After discussion with the Ethics Advocate it was determined that there was insufficient evidence to show that Hudak exploited her official position in any way. Moreover, any violations would be barred by the COE's three year statute of limitations. Accordingly, this matter should be closed with no further action.



Robert Steinback, COE Investigator



Michael Murawski, Advocate



Joseph Centorino, Executive Director