



CASE CLOSED
Date 10/22/18

Miami-Dade Commission on Ethics & Public Trust

Report of Investigation

Investigator: Susannah Nesmith

Case: PI18-29	Case Name: Castellanos	<u>Date Open:</u> 7/10/18	<u>Date Closed:</u>
Complainant(s): Virginia Diaz	Subject(s): Dr. Eduardo Castellanos		

Allegation(s):

Miami-Dade Animal Services veterinarian Eduardo Castellanos billed the Miami Veterinary Foundation for neutering and spaying community cats through a program the Foundation administers but Miami-Dade County pays for to Trap/Neuter/Release community, or stray, cats (the TNR program.)

Relevant Law:

Sec. 2-11.1 (c) Prohibition on transacting business within the County.
(1) No person included in the terms defined in subsection (b)(1) through (6) and in subsection (b)(9) shall enter into any contract or transact any business, except as provided in subsections (c)(2) through (c)(6) in which he or she or a member of his or her immediate family has a financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami Dade County, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. Willful violation of this subsection shall constitute malfeasance in office and shall effect forfeiture of office or position.
(2) County employees' limited exclusion from prohibition on contracting with the county.

partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami Dade County, as long as (1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, (2) the employee has not participated in determining the subject contract requirements or awarding the contract, and (3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County, if the employee works in the county department which will enforce, oversee or administer the subject contract.

Investigation:

Interviews:

On July 12, 2018, this investigator spoke with Kathleen Labrada, chief of operations and enforcement at Miami-Dade Animal Services (Labrada.)

Labrada explained that Castellanos participated in the TNR program paid for by the County and run by the Miami Veterinary Foundation (MVF). When Animal Services officials realized he was involved in the program they suspended him because, while he did have permission for outside employment, he had not obtained a waiver to contract with the County.

The clinic where Castellanos was working, Cutler Bay Animal Clinic, is registered to Castellanos' wife, Noemi Soler, in Sunbiz, along with another veterinarian, Fabian Torres. Torres owns Westwood Animal Clinic, where Castellanos has also worked, according to past outside employment forms he filed with the County.

Labrada pointed out that some of the trappers bringing cats to Castellanos for sterilization seemed to be trapping an unusually high number of cats. She was concerned that these feral cats are exceedingly hard to trap and trapping 20 or more in a night is probably more than any one trapper possibly could manage.

She agreed to provide records of Castellanos' billing.

On July 12, 2018, this investigator spoke by phone with Dr. Larry Bernstein, the treasurer of the MVF. He said that during the bounty program, when trappers were paid \$15 per cat that they brought in, they did have trappers who trapped dozens of cats. That program ended when the money from the grant that funded it ran out. He agreed to provide information on the trappers and Castellanos' billing.

On July 12, 2018, this investigator spoke by phone with Angelina Hernandez, a Homestead grandmother. She confirmed that she took cats to the Cutler Bay clinic to be neutered. She initially said she took only two cats, but then said it might have been three. She wasn't sure because a family tragedy happened around the same time. (The clinic's records, which include a copy of her license, show she brought in three cats.)

On July 16, 2018, this investigator interviewed Andrea Scott, a trapper, at her home in Homestead. Scott explained that she began trapping community cats and bringing them to Animal Services to get them sterilized as a way to distract herself from the death of a family member. She poured all of her energy into trapping strays and feeding approximately 130 cats in feral colonies around South Dade. She buys cat carriers and traps at the flea market and said she has trapped as many as 13 cats in a night. She said she first began taking the cats to Bravo Animal Clinic, but was not happy with the outcomes there and began using Cutler Bay Animal Clinic. She said Castellanos and the rest of the staff at the clinic went out of their way to help her, even treating the cats she brought in for conditions that weren't covered by the county program without charging her. She has records of her cat trapping efforts, along with photos and tells detailed stories about her efforts to trap certain particularly recalcitrant cats. She said she feeds a colony behind Winn Dixie that used to number 45 cats, but that she got them all sterilized and the colony has now dwindled to 14 because it is no longer reproducing and because feral cats fall victim to a number of things that can kill them prematurely. Scott said she sheltered dozens of cats and dogs in her home during Hurricane Irma and hopes to one day open a shelter herself. She has been vaccinated against rabies.

Scott said she used to take cats to the Animal Services clinic to be sterilized in their TNR program, but that the County only sterilized cats on certain days at the Homestead clinic. She said one of the ASD clerks, a woman she could not remember the name of, told her about the TNR program at the private vets. She was certain that Castellanos did not mention the program to her. She said she knew he was a County vet, but that she didn't have a whole lot of contact with the County vets at the ASD clinic and only really got to meet him when she started bringing cats to Cutler Bay Animal Clinic.

When the cat bounty program ended, Scott said she believed that the program that paid private vets to spay and neuter community cats had also ended. (The fact that Castellanos was suspended from the TNR program around the same time may have contributed to the confusion.) Scott said she continues to trap but hasn't done it as often, or caught as many, in part because several of her traps have broken and because two are currently on loan.

There were numerous cats and three dogs on the property – all rescues, according to Scott.

It is worth noting that Scott believed that the County sent this investigator to her home to help her trap more cats, because she said she had recently called Commissioner Daniella Levine Cava to ask for help in her efforts to TNR cats.

On July 17, this investigator spoke with Maria Elena Levrant, chief of constituent services for Commissioner Daniella Levine Cava. Levrant confirmed that Scott called her two or three weeks prior to ask for help getting access to several properties in southern Miami-Dade County where feral cat colonies were being allowed to flourish. Levrant recalled that Scott said she wanted to trap them

for the TNR program. Levrant confirmed that the feral cat problem in southern Miami-Dade is acute and of concern to many residents who are complaining to her commissioner, as well as trying to help trap the cats.

On Aug. 28, this investigator spoke with Dr. Eduardo Castellanos and his daughter, Noemi Dolson, at the Cutler Bay Animal Clinic. Dolson said she does the billing for the clinic, including all of the paperwork that was required for the clinic to be reimbursed for the TNR program.

Dolson brought out all of the clinic's records for the program, made copies of two representative days. She later agreed to provide all of the clinic's records of billing the program, thirty-three (33) numbered invoices and the first set of records before she established a numbering system.

Dolson said that trapper Yanny Soler is not related to her mother Noemi Soler, one of the owners of the Cutler Bay Animal Clinic. Both she and Castellanos said that Andrea Scott was a remarkable trapper. Castellanos compared her small car to a clown car because of the number of cat carriers she can fit into it.

Document(s) Reviewed:

The records provided by the Cutler Bay Animal Clinic:

The invoices use a unique number for each cat, and record color, age and weight on a form provided by the MVF (CCA17), as well as the address where the cat was picked up. A separate form for each procedure (CCB17) is also filled out for each cat. Both the trapper and the veterinarian who performed the procedure sign CCA17s and the veterinarian separately signs CCB17s. Additionally, Dolson included copies of the rabies certificates for each cat. Each batch of invoices includes a copy of the drivers' licenses of each trapper.

Those records show a number of problems with the records the County's Animal Service Department is using:

- The MVF is batching different billing days together. For example, when the MVF records indicate that the MVF paid the clinic to sterilize 17 cats brought in by Scott in Batch 1038, dated Nov. 29, 2017, that doesn't mean Scott brought in 17 cats in one day. In fact, the clinic records show that Scott brought in nine cats on Nov. 22, 2017 and eight on Nov. 25, 2017. Employees of ASD are using the MVF records, without referring to the underlying bills submitted by the veterinarians.
- A similar pattern was found with the MVF's Batch 1049, dated Dec. 6, 2017, for sterilizing and vaccinating 23 cats brought in by Scott. The more complete records submitted by the clinic show that the clinic treated 13 cats brought in by Scott on Dec. 1, 2017 and 11 cats Scott brought in on Dec. 4, 2017.

- Additionally, the MVF's records, and thus the County's records, indicate all 23 cats were treated by Castellanos. That is not what the actual treatment records that the clinic sent to the MVF reflect. In fact, Dr. Roy Maura treated the cats that Scott brought in on Dec. 1 and Castellanos treated the ones Scott brought in on Dec. 4. (Dr. Maura is also a veterinarian at ASD, and does have outside employment permission to work at the Cutler Bay Animal Clinic.)

This investigator cross-checked multiple batches of invoices looking for irregularities such as duplicate records, records that appeared to be altered (issuing different numbers for what appeared to be the same cat, judging by color/weight/age, for example) or records that appeared incomplete. A thorough review of the records provided by Cutler Bay Animal Clinic did not reveal any irregularities.

The way the MVF attributed all of the sterilizations at the clinic to Castellanos, when Dr. Maura performed many of them, did confuse the MVF's records, and thus the County's records. This would also make it difficult for ASD to monitor whether its employees are improperly participating in the program.

The batching that the MVF was doing, however, appears to be part of normal accounting process to deal with a high volume of invoices coming not just from this clinic but from across the County.

The records provided by Ms. Labrada, included:

A summary of the 165 cats that trapper Andrea Scott brought in under the MVF's TNR program.

A summary of the 10 cats that trapper Yanny Soler brought in under the MVF's TNR program.

A summary of the 64 cats that Georgina Perera brought in under the MVF's TNR program.

A summary of the 39 cats that Thomasina Carrazo brought in under the MVF's TNR program.

A summary of the 260 cats that Kristina Thompson brought in under the MVF's TNR program (this was for comparison purposes and includes cats Thompson has brought in going back to 2015 – she's a prolific trapper.)

A Batch Summary of the billings from the Cutler Bay Animal Clinic. The clinic billed the program \$19,560 between late August 2017 and early January 2018.

The MVF records provided by Dr. Bernstein:

These records were not complete, but the ones that were provided did match the invoices and CA17 and CB17 forms provided by Cutler Bay Animal Clinic.

The Facebook page of the Cutler Bay Animal Clinic, which shows the clinic working to try to adopt out stray cats, kittens, dogs and puppies over and over again over the past few years (when this investigator was there, a cage of kittens was up for adoption and a box with a mother cat and kittens too young to be weaned was in an exam room.)

The page also includes a post from Oct. 6, 2017, showing Andrea Scott standing next to nine cages containing cats, with the text:

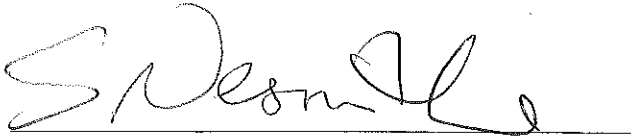
“Cutler Bay Animal Clinic has partnered up with Miami Dade Animal Services and the South Florida Veterinarian Medical Association in late August, we’ve spayed/neutered, vaccinated and tested for Feline Aids & Leukemia over 47 community cats! We are so proud of our accomplishment and hope that our number triples, if not more, by the end of the year.

“If you know of or are feeding a colony of cats, please be assured that we can help. Please contact us if you would like to schedule an appointment so that you can bring them in to us or have any questions about this grant program. Remember that for each cat you bring, the SFVMA will pay you \$15.

“Meet one of our most prolific trappers, she helps to feed and maintains a colony of cats down in Homestead. Thanks Andrea!”

Conclusion:

After discussion with the Ethics Advocate it was determined that the evidence does not support the allegation that Castellanos was improperly billing the County for spay/neuter procedures on non-existent cats. Accordingly, this matter should be closed with no further action.

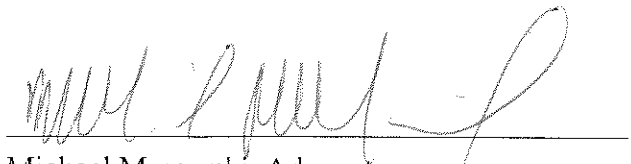


Susannah Nesmith, COE Investigator

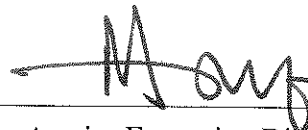
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