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DADE COUNTY, FLA.
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MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

In re: Ryan, Nieves, et.al./

Case No. 07-20

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

Walter Clark of the Special Consultant for African-American Government Employees filed the above-captioned complaint against Timothy Ryan, Director of the Corrections and Rehabilitation Department and Lt. Edgar Nieves of the Corrections and Rehabilitation Department. The complaint alleged that Respondent Nieves and other named respondents violated Section 2-11.1(g) (misuse of official position) by rewarding employees who joined the United Correctional Officer Federation. The complaint also alleged that Director Timothy Ryan violated Section 2-11.1(g) (misuse of official position) for failing to appropriately discipline Nieves and the other respondents for their conduct.

Lt. Nieves is President of the United Correctional Officer Federation. According to the allegations in the complaint, the Respondent pressured, forced and intimidated employees into joining the federation. The Respondent

rewarded employees who joined the federation with favorable time schedules and posts. The Respondent also failed to cite members of the federation with violations of departmental work rules. The complaint also alleges that the Respondent failed to properly account for all dues collected by the federation. Finally, the complaint alleges that several other members of the federation also participated in coercive activity against Corrections Department employees.

On September 20, 2007, the Ethics Commission found the allegations against Director Ryan legally insufficient because the allegations did not state a possible violation of the Conflict of Interest and Code of Ethics ordinance.

On September 20, 2007, the Ethics Commission found the allegations against Lt. Nieves and the other respondents legally sufficient. On October 24, 2007, the Advocate recommended a no probable cause finding regarding the allegations against Lt. Nieves and the other respondents because the Ethics Commission investigation did not find any evidence that Lt. Nieves and the other respondents treated federation members more favorably than other departmental employees in assigning job duties.

Thereafter, after reviewing the pleadings and being fully advised in the premises, the Ethics Commission found

no probable cause regarding the allegations against Lt. Nieves and the other named respondents.

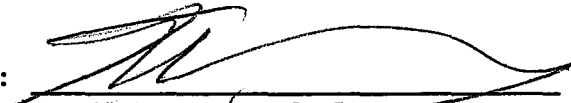
Therefore, it is:

ORDERED AND ADJUDGED that the Complaint is
DISMISSED.

DONE AND ORDERED by the Miami-Dade Commission on Ethics and Public Trust in public session on October 23, 2007.

**MIAMI-DADE COUNTY COMMISSION
ON ETHICS AND PUBLIC TRUST**

By:



Kerry Rosenthal
Chairperson

cc: Terri Guttman Valdes, Attorney for Respondents
Timothy Ryan, Director, Department of Corrections