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

In re: Ryan, et.al./

Case No: 08-03

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

Susan Root filed the above-captioned complaint against Director Timothy Ryan of the Corrections and Rehabilitation Department, Myriam Kovacs, Commander of the Training Bureau, Wanda McMullen, Lieutenant of the Training Bureau of the Corrections and Rehabilitation Department and Denise Bendross, Chief of the Administration Bureau. The complaint alleged the Respondents failed to investigate Root's allegations of missing badges and retaliated against her for filing a complaint regarding the matter.

In April, 2007, Root reported to Respondent Kovacs that there were missing departmental badges. Root attempted to resolve the issue by contacting other divisions of the department. According to the complaint, Root was advised by the Respondent to disregard departmental rules regarding the procedure for handling lost or stolen badges.

Subsequently, in May 2007, Root received a written reprimand from Respondent Kovacs for her communication with other divisions in the department regarding the badges. On June 13, 2008, Root filed a written complaint with Respondent Bendross alleging the failure to follow procedure constituted a possible security breach. On June 18, 2007, the Respondent received an additional written reprimand from Respondent Kovacs. On July 6, 2007, Root received a five-day suspension from Respondent Kovacs. Finally, on January 18, 2008, Respondent Ryan suspended Root for thirty days.

On February 27, 2008, the Ethics Commission found the complaint legally insufficient for a retaliation violation because the underlying complaint failed to qualify for whistleblower protection. The complaint is legally insufficient because the Respondent failed to furnish a copy of her complaint to the County Manager. Pursuant to Section 2-56. 28.15, any information regarding violations of local, state or federal law that pose a substantial and specific danger to public health, safety and welfare must be reported to the County Manager or his or her designee. An employee is not covered if the information is provided to his or her immediate supervisor or department head. Since Root did not file her complaint with the County

Manager as required by the ordinance, the complaint is not covered by the Whistleblower ordinance.

Thereafter, after reviewing the complaint and being otherwise advised in the premises, the Ethics Commission ordered the complaint dismissed. Therefore it is:

ORDERED AND ADJUDGED THAT the Complaint is **DISMISSED for failure to state a claim under the Whistleblower ordinance.**

DONE AND ORDERED by the Miami-Dade Commission on Ethics and Public Trust in public session on February 27, 2008.

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

By: 

Kerry Rosenthal
Chairperson

cc: Director Timothy Ryan, Department of Corrections and Rehabilitation
Chief Denise Bendross, Department of Corrections and Rehabilitation
Commander Myriam Kovacs, Department of Corrections and Rehabilitation
Lieutenant Wanda McMullen, Department of Corrections and Rehabilitation
Susan Root