

CLERK OF THE BOARD

2009 FEB 17 PM 2:51

CLERK, SUPREME & COUNTY COURTS
DADE COUNTY, FLA.
#1



COPY

MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

In re: Maritza Ortega/

Case No. 08-25

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

Adalgiza Castillo filed a complaint against Maritza Ortega ("Respondent") alleging the Respondent received FEMA assistance using false information and also retaliated against Castillo for making harassment complaints against Team Metro employees under the Respondent's supervision.

In 2004, Castillo began working as a Team Metro employee as an employee for a temporary agency. At that time, the Respondent served as the county supervisor for the temporary employees. Subsequently, in 2005, Castillo was temporarily reassigned by the temporary agency to assist FEMA with handling Hurricane Wilma claims. During that time, the Respondent requested FEMA assistance for losses sustained during Hurricane Wilma. The Respondent requested the benefits under her husband's name.

On October 30, 2008, the Ethics Commission dismissed the claims against the Respondent arising from the retaliation for lack of jurisdiction. The Ethics Commission found that Castillo did not report the allegations within the time frame required under the County's Employee Protection ordinance.

However, the Ethics Commission found the allegations regarding the FEMA claim legally sufficient and ordered an investigation of the allegations.

On January 29, 2009, the Advocate recommended the Ethics Commission make a no probable cause finding regarding the FEMA allegations because the Respondent was not Castillo's supervisor at the time her husband applied for the FEMA assistance and did not use her official position to obtain the assistance.

Thereafter, after reviewing the Advocate's recommendation, the pleadings and being otherwise advised in the premises, the Ethics Commission found no probable cause and ordered the allegations against the Respondent dismissed.

Therefore, it is:

ORDERED AND ADJUDGED that the Complaint is **DISMISSED** for lack of probable cause.

DONE AND ORDERED by the Miami-Dade Commission on
Ethics and Public Trust in public session on January 29,
2009.

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

By: 

Kerry Rosenthal
Chairperson

cc: Maritza Ortega
Adalgiza Castillo



FILE COPY
CLERK OF THE BOARD

2008 NOV 10 PM 2:52

CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
#1

MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

In re: Office of
Neighborhood Compliance /

Case No. 08-25

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

Adalgiza Castillo filed the above-captioned complaint alleging that various employees of the Office of Neighborhood Compliance (formerly Team Metro) had engaged in a systematic pattern of harassment and retaliation against Castillo. The complaint alleged the Respondents' conduct constituted a violation of Section 2-11.1(g) (misuse of official position).

Luis Cuellar ("Cuellar"), a Neighborhood Compliance Officer, made explicit and unwanted sexual advances to Castillo. Cuellar engaged Castillo in explicit sexual conversations and made sexual comments about Castillo to other male co-workers. Cuellar also engaged in unwanted physical contact with Castillo.

Castillo later told a supervisor in another county department about Cuellar's conduct. Subsequently, Maritza

Ortega ("Ortega"), Castillo's supervisor, told Castillo that Cuellar stated that Castillo initiated the conversations. Ortega also told Castillo that she would not be hired after her probation unless Castillo recanted her earlier comments regarding the sexual harassment by Cuellar. Thereafter, Castillo refused to repeat her allegations in meetings with Team Metro management and human resource officials.

Shortly thereafter, Ortega issued Castillo a reprimand regarding her work habits and performance. Specifically, Ortega stated that Castillo was frequently late and that her work was frequently backlogged and inaccurate. Ortega drafted a performance plan that restricted Castillo's contact with members of the public who visited the Team Metro office as well as her interaction with staff and her movements around the office. In drafting the plan, Ortega sought input from Cuellar regarding Castillo's work habits and performance.

Castillo responded by stating that Gilberto Rosales ("Rosales"), Lusy Germain ("Germain") and Ann Nesbitt ("Nesbitt") frequently arrived late and used their field time to take care of personal errands rather than meeting with constituents and conducting inspections. After Castillo made the statements, Rosales, Germain and Nesbitt made disparaging personal remarks about Castillo and

encouraged other staff members to avoid contact with Castillo and engage in other acts of harassment against her.¹

On October 30, 2008, the Ethics Commission found the complaint legally insufficient because the allegations concern personnel violations. Article LXXVI, Section Two of the Code of Miami-Dade County provides that "it is not the intent of the County Commission that the Ethics Commission serve as a personnel board resolving disputes between the County and municipal employees." Therefore, the Ethics Commission may not consider the harassment allegations as violations of Section 2-11.1(g) (misuse of official position). Thereafter, after reviewing the pleadings and being otherwise advised in the premises, the Ethics Commission ordered the complaint dismissed as to Respondents Cuellar, Rosales, Germain and Nesbitt.

Therefore, it is:

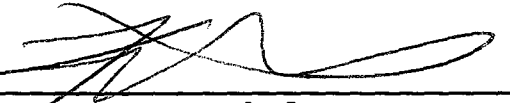
ORDERED AND ADJUDGED that the Complaint is
DISMISSED as to **Cuellar, Rosales, Germain and Nesbitt.**

DONE AND ORDERED by the Miami-Dade County Commission on Ethics and Public Trust in public session on October 30, 2008.

¹ The Ethics Commission did not conduct a preliminary investigation or make findings of fact and the statements contained herein may not be used for that purpose in any other proceeding.

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

By:



**Kerry Rosenthal
Chairperson**

cc: Luis Cuellar
Gilberto Rosales
Ann Nesbitt
Lusy Germain