

INDEPENDENT REVIEW PANEL MINUTES

December 14, 2006

LOCATION: 140 West Flagler Street, Conference Room 908
Miami, Florida 33130

PANEL MEMBERS PRESENT

Julia Dawson, Esq., 1st Vice Chairperson
Moiez Tapia, Ph.D. 2nd Vice Chairperson
Michael Band, Esq.
Glenn Falk, Esq.
Julie C. Ferguson, Esq.
Joseph Lopez, Esq.

MEMBERS ABSENT WITH NOTIFICATION

Jorge Reynardus, Esq., Chairperson
Arcie Ewell

PANEL STAFF PRESENT

Eduardo I. Diaz, Ph.D., Executive Director
Carol Boersma, Executive Assistant to the Director
Fernando L. Robreño, Conflict Resolution Specialist
Kristen Anderson, Conflict Resolution Specialist

COUNTY OFFICIALS AND EMPLOYEES PRESENT: Ronald Bernstein, Esq., Assistant County Attorney; Lt. Chris Carothers, Miami-Dade Police Department; Sgt. Jay Gore, MDPD; Sgt. Javier Ruiz, MDPD; Robert Diers, MDPD Legal Bureau.

AUDIENCE: Gary J. Dufer, 20285 SW 177th Avenue; Josefa Perez Velis, Esq.

Agenda Item #1) Call to Order. Dr. Tapia called the meeting to order at 2:00 PM and asked staff to call roll.

Agenda Item #2) Approval and adoption of the minutes. Mr. Band made a motion to adopt the minutes. Seconded by Ms. Ferguson, motion passed unanimously.

Agenda Item #3) IRP Complaint A 2005.230 Vargas v. Miami-Dade Police Department (MDPD). Mr. Robreño presented to the Panel the complaint of a mobile vendor who was arrested for Doing Business without a License when, in fact, she had a valid Occupational License.

Mr. Falk expressed his concerns that the MDPD Legal Bureau is misleading the officers with its interpretation of the ordinance, particularly that vendors can be arrested if they are not continually on the move and stop only to make a sale.

Mr. Band stated he was not comfortable "Sustaining" the allegation against the accused officer because the officer was following the advice from his superiors and the Legal Bureau. Mr. Falk agreed with Mr. Band's comments.

Ms. Dawson stated she felt the only way to get MDPD to revise its policy was by “Sustaining” the allegation that the officer falsely arrested the complainant.

Dr. Tapia made a motion to accept the Staff Findings and Recommendations. Ms. Ferguson seconded. Mr. Falk proposed a friendly amendment to have Staff Finding A be “Not Sustained.” Dr. Tapia accepted, Ms. Ferguson declined, friendly amendment denied. The motion failed by unanimous vote.

Mr. Falk made a motion to change Staff Finding A to “Not Sustained,” delete Other Findings, and to adopt Recommendation #2. Mr. Band seconded the motion. The motion passed 5-2, Ms. Dawson and Ms. Ferguson opposed.

Dr. Tapia made a motion to reconsider Staff Finding A. Ms. Dawson seconded. The motion failed 3-3, Mr. Band, Mr. Falk and Mr. Lopez dissenting.

Agenda Item #4) Peddlers and Vendors – MDPD Director Parker’s response to Panel recommendations. Mr. Diers presented to the Panel MDPD’s interpretation of the peddlers’ ordinance. Mr. Diers stated the officers are justified in charging peddlers with “Doing Business Without a License” because they do not have a Certificate of Use for the land they are standing on.

Ms. Dawson stated the ordinance is unclear and needs to be reworked. Mr. Diers agreed that the ordinance is unclear. Mr. Diers stated that MDPD would be interested in hearing input from the Panel in drafting a new ordinance.

Mr. Band made a motion to request that MDPD provide the Panel with a draft copy of the proposed vendor ordinance, prior to submittal to the Board of County Commissioners (BCC), so that the Panel may review it and give input at the February IRP meeting. Dr. Tapia seconded, the motion passed unanimously.

Agenda Item #5) Appointment of Panel Member to fill vacancy of Joseph Lopez, Esq. Dr. Diaz presented Mr. Lopez a plaque commemorating his three years of service on the Panel. Mr. Lopez thanked the Panel for its dedication to the community.

Mr. Band made a motion to appoint Ms. Josefa Perez Velis to the Panel. Dr. Tapia seconded, motion passed unanimously.

Agenda Item #6) Executive Director’s Report. Dr. Diaz summarized the conflict resolution workshop facilitated by IRP Staff from December 6th-8th.

Dr. Diaz informed the Panel that he would be out of the country from December 25th to January 9th and that Ms. Boersma would assume charge of the IRP office until his return.

Dr. Diaz stated the NAACP was interested in making a nomination for the Panel, however, they are in transition between presidents and were unable to submit a name. Dr. Diaz informed the Panel that the next vacancy will be in August of 2007.

Dr. Diaz stated that Timothy Ryan, the new director of Corrections and Rehabilitation (MDCR), will be invited to meet the Panel and discuss the previous recommendations made regarding MDCR.

Agenda Item #6) Adjourn. Dr. Tapia made a motion to adjourn, seconded by Mr. Band. Motion passed unanimously.