

# **INDEPENDENT REVIEW PANEL MINUTES**

July 27, 2006

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

## **PANEL MEMBERS PRESENT**

Jorge Reynardus, Esq., Chairperson  
Julia Dawson, Esq., 1st Vice Chairperson  
Moiez Tapia, Ph.D. 2nd Vice Chairperson  
Michael Band, Esq.  
Julie C. Ferguson, Esq.  
Joseph Lopez, Esq.  
Doris Shellow

## **MEMBERS ABSENT WITH NOTIFICATION**

Glenn Falk, Esq.

## **MEMBERS ABSENT WITHOUT NOTIFICATION**

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

**COUNTY OFFICIALS AND EMPLOYEES PRESENT:** Ronald Bernstein, Esq., Assistant County Attorney; Robert Myers, Executive Director, Commission on Ethics and Public Trust; Ed Carberry, Office of the Inspector General (OIG); Marie Perikles, Office of the Inspector General (OIG).

**AUDIENCE:** Don Marsh, City of Miami Civilian Investigative Panel (CIP); Scott Hiaasen, Miami Herald; Michael Putney, WPLG Channel 10.

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

**Agenda Item #2) Approval and adoption of the minutes.** Ms. Dawson made a motion to adopt the minutes. Seconded by Ms. Shellow, motion passed unanimously.

## **Agenda Item #3) IRP Complaint A 2004.318 – DEFFERED.**

**Agenda Item #4) Inspector General Report Regarding MDPD Procedures.** Dr. Diaz advised the Panel that they should consider asking for an Internal Affairs investigation since an employee within MDPD approved an action that would not have been allowed by the current and previous MDPD Directors, as per their statements within the report.

Ms. Dawson made a motion to request that MDPD conduct an Internal Affairs investigation of the allegations contained within the OIG's report. Dr. Tapia seconded the motion.

Mr. Band stated he felt that addressing this report was outside the IRP's purview and requesting an investigation would be engaging the IRP against the parties mentioned within the OIG's report.

Ms. Dawson stated that the report clearly shows an employee within MDPD approved funneling PBA union salaries through the MDPD off-regular-duty program without authorization and that falls within the Panel's jurisdiction.

Mr. Lopez stated there are many other important issues the Panel could address and that no one has made a complaint to the IRP regarding the allegations within the report.

Mr. Reynardus stated that the Panel does have the authority to take action on the issue but that the report calls for action by the County Manager by September 22, 2006, and the IRP should wait to see what action the County Manager initiates. If none is taken, the IRP should reconsider the matter.

Dr. Tapia stated that the Panel should be proactive not reactive and request an investigation.

Ms. Ferguson stated that requesting an Internal Affairs investigation might frustrate any action taken by the County Manager.

Mr. Reynardus called for a vote on the motion proposed by Ms. Dawson. The motion failed 3-4, Ms. Dawson, Dr. Tapia and Ms. Shellow in favor. Mr. Reynardus stated that the IRP will continue to monitor the County's response to the OIG's report.

**Agenda Item #5) Executive Director's Report.** Dr. Diaz advised the Panel that the public budget hearings will be held in September. (Starting at 5:01 PM on September 7<sup>th</sup> and 20<sup>th</sup>).

Dr. Diaz informed that Mr. Band and Ms. Dawson will be attending the NACOLE conference in Boise, September 25-28, 2006.

Dr. Diaz informed the Panel that the IRP Staff vacancy has been filled and the IRP will be fully staffed in two weeks.

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