

INDEPENDENT REVIEW PANEL Minutes

August 28, 2008

LOCATION: 140 West Flagler Street, Conference Room 1103
Miami, Florida 33130

PANEL MEMBERS PRESENT

Julia Dawson, Esq., Chairperson
Jean-Robert Lafortune, 2nd Vice Chairperson
Moiez Tapia, Ph.D
Glenn P. Falk, Esq.
Doris Shellow

EXCUSED

Julie Ferguson, Esq.
Josie Perez Velis, Esq.
Jorge Reynardus, Esq.

ABSENT

Michael R. Band, Esq., 1st Vice Chairperson

PANEL STAFF PRESENT

Dr. Eduardo Diaz, Executive Director
Carol Boersma, Executive Assistant to the Director
Kristin Anderson, Conflict Resolution Specialist
Anna Sidan, Conflict Resolution Specialist

AUDIENCE:

Civilian Investigative Panel (CIP): Don March

Agenda Item #1) Call to Order. Ms. Dawson called the meeting to order at 2:02 p.m. and asked staff to call roll.

Agenda Item #2) Adoption of the minutes from the meeting held on July 24, 2008.

Dr. Tapia and Ms. Dawson made several grammatical corrections. Dr. Tapia moved to approve minutes as corrected. Ms. Dawson seconded. The motion passed unanimously.

Agenda Item #3) IRP Complaint A 2008.036 Falk v. Animal Services Department: Mr. Falk recused himself from his position as Panel member and took the position of complainant. Dr. Diaz reported that Mr. Falk's recusal left the Panel without a quorum and any decision on this matter would have to be ratified by the Panel at its next meeting.

Ms. Boersma reported that Dr. Pizano, Animal Services (AS) Director, asked to be excused from the Panel meeting due to a budget hearing. Robert Santos-Alborná, the Assistant Director and the person who attended the committee meeting, asked to be excused due to illness. Ms. Boersma stated that the individual from the department who was asked to attend contacted her via phone and reported that he was not familiar with the case. Ms. Boersma stated that the bottom line is that the department responded and the complainant is satisfied.

Mr. Falk stated that he had his dog vaccinated and purchased the tag on 2/3/07, nine days after the previous vaccination and tag expired. Nine months later, on 11/6/07, he received citations for Failure to vaccinate his dog against rabies and Failure to obtain the required license tag. Mr. Falk stated that AS Supervisor Robert Marin misconstrued the code and failed to respond to his phone messages and letters. Mr. Falk was found not guilty in a hearing. Mr. Falk decided to pursue his complaint after Dr. Pizano defended Mr. Marin, calling him an “outstanding supervisor.”

Mr. Falk stated that Mr. Santos-Alborná addressed his complaint at the committee meeting by acknowledging that Mr. Marin acted inappropriately. Mr. Marin was counseled. Mr. Falk stated that he was satisfied with the way Mr. Santos-Alborná addressed his concerns.

Dr. Tapia inquired if the Animal Services was aware that he (Mr. Falk) served on the Independent Review Panel. Mr. Falk stated that he did not disclose that information as he wanted to handle this as any other citizen.

Ms. Dawson mentioned that as she read the report, she understood that the department made some changes that should prevent this situation from happening in the future. She identified three changes; (1) Animal Services is now going to send tag renewal reminders before the expiration date; (2) there is now a thirty-day grace period for renewal; (3) Animal Services now accepts the owner’s copy of the vaccination certificate as proof of vaccination, whereas before it only accepted proof directly from the vet.

Ms. Dawson asked that staff document in the disposition report that these changes were made as a result of the IRP complaint. Ms. Dawson stated that the IRP must document what it does to demonstrate the value of the Panel and its benefits to the community. Ms. Boersma stated that she would need to check to be sure that the changes in the code were a result of this complaint. She believes the changes may have been in progress prior to Mr. Falk’s complaint. Dr. Diaz stated that there were changes as a result of this complaint; however, other changes were on-going at the time and still others are currently pending action by the Board of County Commissioners.

Discussion of Committee Findings:

1. Robert Marin and Luis Gonzalez did not respond to Mr. Falk’s letters and phone messages. SUSTAINED.
2. Animal Services Violated Sec. 5-7 of the County Code which states that “No penalty shall apply for violation of this section unless notice is issued to the responsible party for the failure to vaccinate the dog and the responsible party fails to provide proof of vaccination within thirty (30) days of the issuance of the notice.” NO FINDING
3. Mr. Marin refused to accept his copy of the vaccination certificate as proof of vaccination. EXONERATED

Dr. Tapia moved that all committee findings be approved. Mr. Lafortune seconded. The motion passed unanimously.

Discussion of Committee Recommendations

1. That staff review the pending report from the Commissioner Auditor's Office regarding Animal Services' resources and inform the Panel of any recommendations that merit endorsement.

Ms. Shellow moved to accept. Mr. Lafortune seconded. It passed unanimously.

2. That the Panel conclude the complaint.

Ms. Shellow moved to accept. Mr. Lafortune seconded. It passed unanimously.

3. *Ms. Dawson moved to add the recommendation that Luis Gonzalez be counseled for failing to respond to Mr. Falk's inquires. Ms. Shellow seconded. It passed unanimously.*

Agenda Item #4) Request from Major Nanney to Remove File from IRP Website Dr. Diaz reported that Major Nanny emailed the IRP this morning requesting that his issue be placed on a future agenda. Dr. Diaz stated that he spoke with Assistant County Attorney Ron Bernstein who said there are no legal issues involved because there are no allegations that the Panel did not follow its process. He added that the Panel values transparency and this is a situation where someone involved in a case that was reviewed was not satisfied.

Agenda Item #5) Executive Director's Report

Budget Hearing

Dr. Diaz reported that the IRP is fully funded in the Mayor's Proposed Budget. It requires a two-third vote of the Board of County Commissioners to approve the budget. Dr. Diaz commented that some Commissioners are opposed to the Mayor's Proposed Budget because it requires a revenue adjustment which places additional burdens on cities to come up with more money to cover county services. There are two budget hearings in September, one on the 4th and the final hearing on the 18th. Although the IRP is in the proposed budget, the IRP is also identified with a group of "potential reductions that were avoided" by making the revenue adjustments.

Dr. Diaz reported that each Panel Member is a citizen and each Panel Member has the opportunity to take civic action as he or she see fit.

NACOLE Conference

Dr. Diaz reported that historically the IRP has tried to send one or two Panel Members to the NACOLE Conference, which will be held Cincinnati, Ohio October 27-30. If the IRP proposed budget is approved on September 18th, there may be an opportunity for one or two Panel Members to attend. Dr. Diaz asked Panel Members interested in attending to contact him.

CAA Nomination

Dr. Diaz stated that CAA has submitted the names of three people to serve on the Panel and the Board of County Commissioners is scheduled to select one on September 2, 2008. Dr. Diaz reported that Mr. Lafortune happens to work for CAA, however, Mr. Lafortune does not represent the CAA;

he was nominated by the Community Relations Board. Dr. Diaz said he is alerting Panel members that there may two Panel members who are employees of a county department.

APA/Police Accountability

Dr. Diaz reported that last week he participated in the American Psychological Association (APA) conference where he gave a talk on police accountability. He also mentioned that he wrote a chapter for a book entitled, "Handbook on Building Cultures of Peace," which will be published in November. The chapter mentions the IRP and its process. He reported that once the book is published, he will send the chapter to the Panel members.

Agenda Item # 6). Adjourn. Dr. Tapia made a motion to adjourn. Ms. Dawson seconded. It passed unanimously.