



Joseph M. Centorino, Inspector General

TO: Honorable Mayor and Members of the City Commission
FROM: Joseph Centorino, Inspector General

DATE: 07/06/2022
RE: Investigation of Unauthorized Outside Employment by City Employee
OIG No. 22-06

This investigation was opened upon receipt by the Inspector General of information that an employee of the City's Facilities and Fleet Management Department may have engaged in unauthorized outside employment. The subject employee, Hans Gonzalez, was employed as a Tradesworker II Facilities Manager providing journeyman-level skilled work, including electrical services, for the City. He was hired on July 3, 2017.

The information indicated that the subject employee, a licensed electrician, was doing private electrical work, and that the outside employment was not duly authorized by the City pursuant to Section 2-11, Miami-Dade Code and City of Miami Beach Personnel Rules.

Information gathered from internet sources revealed an active Florida Profit Corporation named Hans Go Electric Corp, for which Hans Gonzalez was the sole officer, director and registered agent. An address listed for the business coincided with an address connected to the employee. Photos and videos of electrical work connected to the business were located online, apparently used for the purpose of promoting the company. Some of those photos showed electrical work done on City of Miami Beach projects.

Department Director Adrian Morales was contacted and cooperated with the investigation regarding possible unauthorized outside employment by an employee of his department. He indicated that the employment in question had not been authorized by him. A check with the City Clerk's office and Human Resources Department revealed no authorization for outside employment filed, and no annual reports filed to document such employment, as required by Section 2-11.1(k)(2), Miami-Dade Code. Mr. Morales also stated that City electrical projects shown online in connection with Mr. Gonzalez's business were worked on by him as a City employee.

In discussion with the City's Human Resources Department, it was found that Mr. Gonzalez was on Family Medical Leave (FML). FML is federally protected leave for specified family and medical reasons. Mr. Gonzalez was authorized to take FML for the care of a spouse, son, daughter, or parent who has a serious health condition. Mr. Gonzalez was taking concurrent paid sick and annual leave (as allowed by the City) while on approved FML leave. Consequently, an investigation was begun in HR to determine whether the employee, through involvement in outside employment, violated a City rule for use of approved sick leave or misrepresented any information in his application for approved FML.

Prior to the conclusion of the OIG and HR investigations, and prior to any formal findings being made, Mr. Gonzalez resigned from his City employment.

At the time of his resignation from the City, City records showed that Mr. Gonzalez may have been in possession of an inventory of 48 tools and other City equipment valued at \$3,827.16, that had been issued to him in the course of his employment, and which would have been required to be returned to the City at the time of his separation. However, no tools were returned at the time of the resignation. A senior HR Specialist who spoke with Mr. Gonzalez about the missing City property reported that Gonzalez claimed that he never signed for any tools provided by the City and that he didn't know what tools the department was talking about.

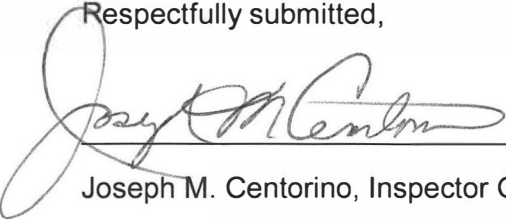
In a follow-up letter from HR Director Marla Alpizar to Mr. Gonzalez, he was advised that he had seven (7) days to either return the City property or to write a check for any missing items. All of the property was then returned to the City by Mr. Gonzalez. HR Director Alpizar has advised the OIG that the City's FML procedure has now been updated to include the immediate return of city-owned property by any employee going on long-term FML leave and a clarification in the City's FML and attendance procedures that an employee may not engage in outside employment while on approved FML leave or approved sick leave.

The problem presented regarding the delayed return of the tools was discussed by the Inspector General with the Facilities and Fleet Department Director, Adrian Morales. Although all tools were ultimately returned, it was revealed during the investigation that there was a lack of documentation to clearly indicate which tools in possession of the employee were city-owned and which tools may have been personally owned by Mr. Gonzalez. Employees were permitted to use personal tools on City work at the time that Mr. Gonzalez was issued tools from the department.

In an effort to avoid similar issues regarding the return of City property, Mr. Morales has adopted the following procedures in his department: 1) A directive has been issued stating that City-owned tools must remain within City limits at all times; 2) Semi-annual and periodic audits of City vehicles will be conducted to ensure compliance; 3) Use of personal tools while on City property is now prohibited. The OIG recommends that the City Administration review whatever policies exist in other City departments regarding the issuance of City-owned tools or other property in order to ensure that the City retains control over such items.

In accordance with Section 2-256(d)(8)(b) of the City of Miami Beach Code, this matter was referred by the Inspector General to the Miami-Dade Commission on Ethics and Public Trust (COE) for its review. Following review of the available evidence and surrounding circumstances, the COE has declined to take further action. The OIG is in agreement with that decision.

Respectfully submitted,



Joseph M. Centorino, Inspector General

07/06/2022
Date

cc: Alina T. Hudak, City Manager
Lester Sola, Assistant City Manager
Adrian Morales, Director, Department of Facilities and Fleet Management
Marla Alpizar, Director, Human Resources Department
Jose Arrojo, Director, Miami-Dade Commission on Ethics and Public Trust
Hans Gonzalez