

**CITY OF CORAL GABLES  
INTEROFFICE MEMORANDUM**

**TO:** Edward J. Hudak  
Chief of Police

**DATE:** May 25, 2017

**FROM:** Cathy Swanson-Rivenbark, ICMA-CM, AICP, CEcD  
City Manager



**SUBJECT:** Response to your confidential and personal Memorandum forwarding your recommendation regarding the disposition of Internal Affairs Case 2016IA-013.

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On Monday, May 1, 2017, I opened an envelope hand-delivered to my office labeled "Personal and Confidential." In the envelope was a memorandum from you forwarding a recommendation in the disposition of the Internal Affairs Case 2016IA-013 related to a September 28, 2016 incident in the Commission Chambers involving Police Major Theresa Molina and Resident Maria C. Cruz. Mrs. Cruz filed an Internal Affairs Complaint regarding Major Molina's actions toward and comment to her (Mrs. Cruz) during the September 28, 2016 City Commission Meeting. Mrs. Cruz' complaint contained three allegations which were addressed in your recommendation for termination. Once the Internal Affairs investigation concluded, your April 25, 2017 recommendation was forwarded to me for consideration. (Because my final determination in the disposition of the Internal Affairs Case is included in the body of this memorandum, I am now able to release your recommendation and have done so as Exhibit 1.)

As a credentialed City Manager, I am governed by the ICMA Code of Ethics and the twelve tenets that serve the basis of professional city management. Tenet 11 requires credentialed City Managers to "*Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.*" Because your recommendation cited certain case law as the basis of your recommendation, I requested outside counsel skilled in Employment Law and First Amendment Law, to conduct an independent review of your recommendation, including the review of all relevant materials. Exhibit 2 is the unedited memorandum prepared by Special Counsel Kara Nickel of Stearns Weaver Miller. In addition, there is a Supplementary Memorandum dated May 19, 2017 (inserted as new Tab F) prepared by Special Counsel Abby Corbett, also with Stearns Weaver Miller, specifically analyzing the constitutional issues associated with the September 28, 2016 incident with respect to Mrs. Cruz' allegation that her right to privacy had been violated. (Please note Special Counsel interprets the application of the Fourth Amendment differently than you do.)

Major Molina's verbal outburst to Mrs. Cruz was undeniably "done in a non-courteous, improper form" thereby implicating City of Coral Gables Personnel Rules and Regulations 17.2 and the Police Department's Rules and Regulations 01.09 and 01.03 including Conduct Unbecoming and violations in Customer Service. It was disrespectful to Mrs. Cruz and to the Members of the City Commission. While I acknowledge Major Molina's true regret for her actions and I view her stated intent as sincere (as described in her sworn testimony and correspondence through her attorney along with my individual interview with her on May 21, 2017 in advance of my determination), her actions were unacceptable in a City that prides itself on resident respect and the right and opportunity for residents to freely participate in their local government.

Special Counsel's independent assessment, based on the review of all facts and files including past disciplinary actions for Police Officers at all ranks, concluded that "the City has reserved termination from employment for situations involving alleged criminal conduct or impaired faculties while at work." Major Molina's conduct, according to Special Counsel, "does not rise to this level."

Because your recommendation also took "into consideration past practices by the city involving discipline recommended by the department when it involved a senior ranking member of the police staff," I asked Director of Labor Relations Raquel Elejabarrieta, Esq., to summarize past disciplinary matters and corresponding dispensation as a separate attachment, labeled Exhibit 3. This review is in addition to what was ably provided by Special Counsel regarding past disciplinary imposed on members of the Police Department. The review is not complete because previous contract language between the City of Coral Gables and the Fraternal Order of Police allowed a highly unusual practice of purging Internal Affairs files even when the allegations were sustained. Note that the automatic purging or destruction of these files is no longer allowed under the new CBA currently in effect. I believe the review is also not complete because disciplinary matters have not always been referred to Internal Affairs, instead it appears they have been handled informally without documentation or written guidelines. (I asked the review to go back at least to 2004 because when City Attorney Craig Leen asked you, at my request, which past practice involving a senior ranking member of the police staff were you referring to in your Memorandum, you referenced a 2004 incident.)

For the purpose of this memo, I had the actual names stricken from the report so as to not cause unnecessary embarrassment for anyone involved but a careful review indicates multiple instances where officers were arrested for criminal behavior and continued working or were allowed to resign, with pension, if vested. A particularly egregious incident involved an on-duty police officer, in uniform, arrested for solicitation (prostitution) in his police vehicle. The officer resigned one year later before the predetermination hearing and was allowed to collect a pension. Another involved a high ranking member of the command staff who made sexual advances to a subordinate in his direct chain of command during a City funded business trip and was allowed to retire and collect a pension. Incidents where officers are still working include battery against a female who was 6 months pregnant at the time, a

different officer charged with battery, another charged with cyberstalking, and yet another found to have submitted false or misleading information in a sworn affidavit.

I am rejecting your recommendation to terminate but I fully accept and agree with your conclusion that Major Molina violated, without debate, Police and City Personnel Rules related to Conduct Unbecoming and Customer Service. As I began formulating the appropriate discipline that reflected the seriousness of the violation consistent with past disciplinary practices in the Department and the fact that Major Molina is a member of the Command Staff where a higher standard of performance should be applied, I also reviewed Major Molina's 23 year history, which included several commendations. One of the commendations included the rarely awarded "Gold Medal of Valor" in recognition of her devotion to law enforcement, her exceptional narcotics operation including a firefight with an armed drug trafficker and his co-conspirator and her courage and bravery in the line of duty. (This summation is included in Special Counsel's Tab E). It was at this point in my review that the City was approached, through the City Attorney, by Major Molina's attorney, with an offer to enter into a separation agreement with the City which would allow Major Molina to retire under the "rule of 70" in November of 2017 (date subject to confirmation from actuary). (This offer comes with serious financial penalties for Major Molina which I have had calculated under separate cover.) I have decided to pursue this offer, which would include Major Molina providing a full release in favor of the City, believing it to be in the best interest of the City, provided it is not overturned by the majority of the City Commission, as is the Commission's prerogative under Section 14 of the Coral Gables City Charter.

Attachments included:

Exhibit 1: April 25, 2017, Memo from Chief Ed Hudak re Disposition of Internal Affairs Case 2016IA-013

Exhibit 2: May 19, 2017, Memo from Special Counsel Kara S. Nickels, Esq., of Stearns Weaver Miller re Special Counsel's independent review referenced as "Results of Major Theresa S. Molina Review" including Special Counsel Abby Corbett's supplemental memo of May 19, 2017, referred to new Tab F and noted as "Supplement to Kara Nickel's May 18, 2017 Memorandum as to Constitutional Issues."

Exhibit 3: Current summary of known disciplinary actions of the City of Coral Gables Police Department prepared by Director of Labor Relations and Risk Management, Raquel Elejabarrieta, Esq.

c: Craig Leen, Esq., City Attorney  
Frank G. Fernandez, Assistant City Manager/Director of Public Safety  
Raquel Elejabarrieta, Esq., Director of Labor Relations & Risk Management

# EXHIBIT 1

CITY OF CORAL GABLES

- MEMORANDUM -

TO: CATHY SWANSON-RIVENBARK  
CITY MANAGER

DATE: APRIL 25, 2017

FROM: EDWARD J. HUDAK, JR.  
CHIEF OF POLICE

SUBJECT:  
DISPOSITION OF INTERNAL  
AFFAIRS CASE 2016IA-013



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COMPLAINANT - MARIA CRUZ

On September 28, 2016, the City of Coral Gables Commission convened in chambers. Agenda item, A-1, 16-5407 (Presentation of the Coral Gables Neighborhood Safety Aide Program) was addressed.

During the course of this presentation, Coral Gables resident, Maria Cruz, was afforded an opportunity to speak. Once at the podium, Mrs. Cruz stated to Commissioners she was insulted and indicated she found a police Major keeping track of what she was texting while standing in the audience.

**ALLEGATION(S):**

Mrs. Cruz completed a complaint intake form and documented the following allegations therein:

- 1) *"During City commission mtg Sgt. (sic) T. Molina kept me under watch, reading my text message - violated my rights, privacy etc."*
- 2) *"when confronted by me 'stop watching me' she blurted out 'stop texting commissioners' loudly - City Attorney replied - she can text the Commissioners."*
- 3) *"Molina informed Frank Fernandez of the content of my texts - a witness told me about it - City Manager may have been present."*

**REFERENCE VIOLATIONS:**

**City of Coral Gables Personnel Rules and Regulations; 10.4 Reasons for Discipline:**

10.4.3 - Violation or disobedience of any regulation, order or directive.

10.4.4 - Offensive, profane or abusive conduct or language toward the public, supervisors or employees.

10.4.26 - Engaging in any other actions which are determined by the City Manager to be sufficient cause for disciplinary action.

**17.2 - Customer Service** - Employees of the City of Coral Gables are expected to maintain courteous relationships with other employees, City officials, and the general public at all times.

### **Departmental Rules and Regulations of the Coral Gables Police Department:**

#### **01.03 - Personal Accountability and Authority:**

Personnel at each level of the Department will have the authority and responsibility commensurate with their position to make decisions necessary for the effective execution of their duties. All personnel are fully accountable for the use or misuse of authority and/or the failure to use that authority.

#### **01.09 - Improper Conduct Offenses:**

**a. Courtesy:** Personnel will be polite and courteous in contacts with the public and with each other.

**pp. Misuse or Abuse of Authority:** It is the duty of each officer to respect and protect the rights guaranteed to each citizen by the Constitution. Persons will not be deprived of Constitutional rights because they are suspected of having committed a crime. Officers who lawfully act within the scope of their authority do not deprive persons of their civil liberties.

**vv. Conduct Unbecoming:** It is necessary to the goals and objectives of the Department for its personnel to conduct themselves in a manner consistent with the Department's Rules and Regulations which garners public support and confidence. Conduct unbecoming is defined as any conduct or act by personnel which has an adverse impact upon the operation of the Department and diminishes public respect and confidence in the Department and its personnel. Such conduct may include, but is not limited to, participation in any immoral, indecent, or disorderly conduct, or conduct which causes substantial doubt concerning a member's honesty, fairness, or respect for the rights of others, or the laws of the state or nation, regardless of whether such act or conduct constitutes a crime.

### **DISPOSITION:**

#### **Allegation 1:**

The facts of the case establish Major Molina, even if she believed that she had been acting within the scope of her law enforcement authority, conducted an illegal search of the cell phone. A person has a reasonable expectation of privacy in the call records and text messages on their cell phone. *Smallywood v. State*, 113 So. 3d 724 (Fla. 2013). (*Because a person has a high expectation of privacy in a cell phone's contents, police must then obtain a warrant before intruding into the phone's contents. Id. Cell phones are "effects" as that term is used in the Fourth Amendment*

*Tracey v. State*, 152 So. 3d 504, 524 (Fla. 2014).) As such, any information she would have gotten from the text messages, would have probably been found to be a violation of the Fourth Amendment and thus suppressed. (*State v. Tsavaris*, 382 So. 2d 56, 68 (Fla. 2d DCA 1980), certified question answered, 394 So. 2d 418 (Fla. 1981) (Evidence obtained by a search and seizure in violation of the Fourth Amendment to the United States Constitution is inadmissible in state courts under the due process clause of the Fourteenth Amendment.) Also, Major Molina's actions may have subjected the City to civil litigation and or liability. (See Section 934.10, Fla. Stat. 2016')

Major Molina exceeded her legal authority when she photographed complainant Maria Cruz's cell phone text conversation with two City of Coral Gables Commissioners during the presentation of the Coral Gables Neighborhood Safety Aide Program under Commission Agenda item, A-1, 16-5407 on September 28, 2016.

**The aforementioned action is found to be a violation of:**  
**Departmental Rules and Regulation of the Coral Gables Police Department 01.03 Personal Accountability and Authority and 01.09 Improper Conduct Offenses: pp. & vv.**  
As such the allegation is SUSTAINED.

**Allegation 2:**

In regards to Major Molina's open communication with the complainant in commission chambers specifically when she instructed Mrs. Cruz to "stop texting Commissioners" was done in a non-courteous, improper form. Major Molina asserts she believed a violation of the Sunshine Law had transpired and offered such justification for her actions. Major Molina's belief was incorrect and as a result the Complainant's right to petition her government representatives was brought into question in a public forum in an unprofessional, discourteous matter which brought the Department into a diminished light in the public. Commensurate with Major Molina's position where a higher standard of conduct is demanded and required of that position, I have determined the below reference violations:

**The aforementioned actions are found to be a violation of:**  
**Departmental Rules and Regulation of the Coral Gables Police Department 01.03 & 01.09 Improper Conduct Offenses: a (Courtesy)**  
**City of Coral Gables Personnel Rules and Regulations; 10.4**  
**Reasons for Discipline: 17.2 (Customer Service).**  
As such the allegation is SUSTAINED.

**Allegation 3:**

In review of the entire case file including all statements and memorandums/emails there is no evidence that supports what was said or shown to the director of Public Safety and subsequently the City Manager in regards to the "*contents*" of the photographs that Major Molina stated she had taken of the complainant's text messages in an effort to intercede in the constitutionality of the complainant's rights to communicate with citing elected officials. Major Molina stated she recalled relaying to Director Fernandez that she believed she had witnessed inappropriate unethical behavior taking place via text messaging and that she had taken a photo. At which time according to her statement she was instructed to advise the City Manager which she did. There is no additional information presented as to any additional actions by any of the three parties. As such the allegation is **NOT SUSTAINED**.

**DISCIPLINARY ACTION:**

In reviewing the totality of the facts and taking into consideration of past practices by the city involving discipline recommended by the department when it involved a senior ranking member of the police staff, I am recommending that Major Molina be considered for termination. By copy of this memo, I am hereby making that recommendation to the City Manager.

cc: Major Theresa Molina  
Frank Fernandez, Director of Public Safety  
Karla Green, Interim Human Resources Director  
Raquel Elejabarrieta, Labor Relations and Risk Management Director  
Internal Affairs Section



# EXHIBIT 2

## MEMORANDUM

TO: Cathy Swanson-Rivenbark, City Manager

FROM: Kara S. Nickel, Esq., Stearns Weaver Miller

CC: Craig Leen, City Attorney

DATE: May 19, 2017

RE: Results of Major Theresa S. Molina Review

As Special Counsel to the City of Coral Gables on employment matters, I conducted an independent review Chief Hudak's April 25, 2017 recommendation to terminate Major Molina from employment. This recommendation followed the Internal Affairs (IA) investigation of a complaint by City resident, Maria C. Cruz, regarding Major Molina's actions toward and comment to her (Ms. Cruz) during a September 28, 2016 City Commission meeting.

In her complaint, Ms. Cruz made three allegations concerning Major Molina. Chief Hudak's recommendation addressed each allegation, concluding that Allegations 1 and 2 were sustained and Allegation 3 was not sustained. Notably, the relevant facts concerning Major Molina's actions on September 28, 2016 are undisputed.

Because of her rank, Major Molina is not covered by the collective bargaining agreement between the City and the Fraternal Order of Police, Coral Gables Lodge, and thus, she is an at will employee. If you determine that Major Molina's conduct on September 28, 2016 warrants discipline, the full range of disciplinary actions, including but not limited to, counseling, training, reprimand, unpaid suspension, demotion, and termination, are available to the City. Thus, you may adopt Chief Hudak's recommendation of termination, or you may elect to impose an alternative disciplinary action(s).

Allegation 1: In the first allegation of her complaint, Ms. Cruz alleges that her rights and privacy were violated by Major Molina. In sustaining Allegation 1, Chief Hudak concluded that Major Molina violated Police Department Rules and Regulations 01.03 Personal Accountability and Authority, Rule 01.09(pp) Misuse or Abuse of Authority, and Rule 01.09(vv) Conduct Unbecoming. As Special Counsel to the City of Coral Gables on First Amendment and other matters, my partner, Abby Corbett, prepared a separate memorandum which analyzes the potential constitutional issues in play regarding the bases on which Allegation 1 against Major Molina was, or could have been, sustained.

Allegation 2: In the second allegation of her complaint, Ms. Cruz asserted that that Major Molina told her to “stop texting Commissioners” during the Commission meeting on September 28, 2016. Major Molina admitted to making this statement, and the statement was overheard by others in the vicinity. Chief Hudak concluded that Major Molina’s statement was discourteous in contravention of the City’s Personnel Rules and Regulations 17.2 and Police Department Rules and Regulations 01.09(a) Courtesy and 01.03 Personal Accountability and Authority. Based on my review of the contents of IA file (including Major Molina’s interview), I do not have any reason to disagree with Police Chief Hudak’s decision to sustain this allegation or with the bases for his decision. Further, I do not have any reason to disagree with Chief Hudak’s conclusion that these violations warrant disciplinary action.

Allegation 3: Based on my review of the IA file, I do not have any reason to disagree with Chief Hudak’s conclusion that Allegation 3 was not sustained.

If you conclude that Major Molina’s conduct on September 28, 2016 warrants discipline, you will need to determine the appropriate disciplinary action(s). In making such a determination, it is a best practice to review all the relevant facts and circumstances, including, but not limited to, the employee’s conduct at issue and any mitigating factors, the employee’s employment history, and the discipline imposed on other employees for similar conduct.

#### Major Molina’s Conduct

The relevant facts concerning Major Molina’s conduct at the Commission meeting are not in dispute: Major Molina took photographs of Ms. Cruz texting two Commissioners during the meeting, and she told Ms. Cruz to “stop texting Commissioners.” In her statement to IA and in her attorney’s April 10, 2017 letter, Major Molina expressed remorse and apologized for her conduct at the September 28, 2016 meeting. She stated that she had believed she had a duty to act because she thought she was witnessing unethical conduct and a possible violation of the Sunshine Law and that she did not know texting Commissioners during a meeting was permissible because she never received any training in public hearing procedures. (Copies attached at Tabs A and B)

#### Summary of Major Molina’s Employment

Major Molina has been employed with the Coral Gables Police Department for 23 years. She began her employment as a Police Officer and subsequently was promoted to Sergeant (2001), Lieutenant (2007), and Major (2012). She currently leads the Criminal Investigations Division.

As a Lieutenant, her performance for the period of 2009-2012 was rated as “Above Satisfactory.” As a Major, her performance for the period of February 2012-2014 (February-January) was rated as

“Acceptable,” with scores of 4.2/5.0, 4.3/5.0 and 4.6/5.0.<sup>1</sup> (Copies attached at Tab C) She did not receive a formal evaluation for the period of February 2014-present. However, in February 2016, she submitted a memorandum detailing her accomplishments and work product for the period February 2014-2015 and February 2015-2016. On July 1, 2016, Director of Public Safety Frank Fernandez submitted Major Molina’s memorandum to Human Resources as a “satisfactory evaluation.” (Copy attached at Tab D)

Her personnel file does not contain any formal disciplinary actions. However, after motor vehicle accidents in 2006 and 2013 that were determined to be preventable, the Department reviewed defensive driving procedures with Major Molina.

Based on my review of her personnel file, Major Molina was selected as “Officer of the Month” in June 1998, February 2003 and December 2003. In January 2004, then-Sergeant Molina and three colleagues were awarded the Gold Medal of Valor for their actions in recognition of their devotion to law enforcement, their exceptional narcotics operation (including a firefight with an armed drug trafficker and his co-conspirator), and their courage and bravery in the line of duty. (Copies attached at Tab E)

#### Comparator Review

In reviewing the discipline imposed on other employees, it is most beneficial to compare offenses that are the same or similar to the offense of the employee at issue. Here, Major Molina’s conduct was unique and it is my understanding there are no other Police Department or City employees who have engaged in the same or similar conduct. Thus, there is no direct comparator to Major Molina.

As a next step, I reviewed an Internal Affairs log for the period of 2004 to 2016 to identify the Police Department employees disciplined for violating the Police Department’s Rules and Regulations 1.03, 01.9(a), 01.09(pp), and 01.09(vv), as these are the regulations cited in Chief Hudak’s recommendation as to Allegations 1 and 2.<sup>2</sup> Please note that my review was limited to the information in the log; I did not review the individual IA investigation files for the subject employees.

My review yielded the following results:

- Rule 01.09(a) Courtesy: In 2016, one officer received written counseling.

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<sup>1</sup> The performance evaluation forms used during 2012-2014 contained two rating options: Acceptable or Unacceptable.

<sup>2</sup> Based on the IA log, it appears that the Department’s current numbering system for its regulations began in 2008. Because of the numbering system change, I was not able to determine if any officers were disciplined for offenses involving courtesy, misuse or abuse of authority, or conduct unbecoming during the period of 2004-2007.

- Rule 01.09(pp) Misuse or Abuse of Authority: My review did not locate any officers disciplined for violation of this regulation.
  
- Rule 01.09(vv) Conduct Unbecoming: Between 2008-2016, eight (8) officers were disciplined for violation of this rule (either alone or in combination with other regulations or directives)
  - 2016: Officer removed from Crisis Negotiation team and reassigned to uniform patrol and counseled.
  - 2015: Officer suspended for 4 days from work, 60 days from off-duty details, and one (1) year from FTO and any specialized units.
  - 2012: Officer terminated. This action was subsequently reversed by an arbitrator, and no alternative discipline was imposed.
  - 2011: Officer suspended 40 hours; Officer and Detective each suspended 5 days.
  - 2010: Lieutenant suspended for 15 days.
  - 2008: Sergeant suspended for 1 day and required to attend training.

I also reviewed the Internal Affairs log to identify the employees who were terminated from the Police Department, or who resigned with sustained rule and regulation violations after an IA investigation .

- 2012: Officer terminated for sustained violations of Police Department Rule and Regulations: 01.02 Compliance to Laws, Ordinances, Rules, Policies, Procedures and Directives; 01.09 (tt) Code of Ethics; and 01.09(vv) Conduct Unbecoming following an arrest (without conviction) for domestic violence. The termination was subsequently reversed by an arbitrator, and no alternative discipline was imposed.
- 2007: Officer resigned after Police Department sustained four (4) violations of the Department's rules and regulation and two violations of Florida Statutes 796.07 (prostitution).
- 2006: Administrative Assistant terminated for violating the City's Personnel Rules and Regulations 10.4.10 (Under the influence of drugs or alcohol while at work) and 10.4.26 (Engaging in actions determined by City Manager to be sufficient cause for disciplinary action).

Based on this review, it appears that the City has reserved termination from employment for situations involving alleged criminal conduct or impaired faculties while at work. Major Molina's conduct on September 28, 2016 does not rise to this level.

TAB A

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INTERVIEW WITH MAJOR T. MOLINA

Q=Lt. N. Carbonelli

Q1=Sgt. (John Carasko)

A=Major T. Molina

A1=(Brian Tanibaum)

Q: All right. Today is March 13, 2017. It is approximately 10:09. I'm Acting Lieutenant (Nester) Carbonelli. I'm an internal affairs investigator for the Coral Gables Police Department. Also present at this time...

Q1: Sergeant (John Carasko).

Q: Sir?

A1: (Brian Tanibaum) on behalf of Major Molina.

Q: Major Molina you are being questioned as a subject officer in an official investigation of the Coral Gables Police Department. A complaint has been made against you by Ms. (Maria Cruz) to the effect that and these are from the complaint intake form which Ms. (Maria Cruz) authored. Ah, number one, during city commission meeting, she refers to you as sergeant incorrectly, Sergeant T. Molina kept me under watch, reading my text messages, violated my rights, privacy, etc. Number two, when confronted by me and - and, ah, and, um, in quotations, "Stop watching me." She blurted out, "Stop texting the commissioners," loudly. The city attorney replied, "She can text the commissioners." Number three, Molina informed (Frank Fernandez) of the content of my text messages. A witness told me about it and the city manager may have been present. Your conversation with me is being recorded. Coral Gables Police Department Internal Affairs investigation SOP Number 114, Section 8 Subsection D, F, I and J states that in accordance with Chapter 112, Part 6, Florida Statutes and in accordance with the existing contract between the city of Coral Gables and Fraternal Order of Police Lodge Number 7, you are required to give a statement for administrative purposes. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of the state of Florida and the Constitution of the United States including the right not to be compelled to incriminate yourself. Refusal to answer questions which relate to the performance of official duties or fitness for office will make you subject to departmental charges which could result in dismissal

46 from the Coral Gables Police Department. If you should make a statement,  
47 neither the statement or evidence which is gained by reason of such statement  
48 can be used against you in any subsequent criminal proceeding with the  
49 exception of perjury or obstruction of jus- obstruction of justice charges.  
50 However, such statement or evidence may be used against you in subsequent  
51 departmental charges and disciplinary action. You are required to answer  
52 fully, completely and accurately all questions posed. Do you understand this?  
53  
54 A: Yes.  
55  
56 Q: Um, have you been given the opportunity to review all the statements  
57 regardless of form in the entire, ah, investigative file?  
58  
59 A: Yes.  
60  
61 Q: Please state your full name, rank and current assignment.  
62  
63 A: (Teresa Salvario) Molina, major, Criminal Investigations Division  
64  
65 Q: Please raise your right hand. Do you swear that the statement you are about to  
66 give is the truth, the whole truth and nothing but the truth?  
67  
68 A: Yes I do.  
69  
70 Q: Um, Major Molina do you have an independent recollection of the events that  
71 transpired during September 28, 2016, ah, during the city of Coral Gables  
72 commission meeting?  
73  
74 A: Yes.  
75  
76 Q: Okay. And when you attended the - you were in attendance, correct, at the  
77 meeting?  
78  
79 A: Yes.  
80  
81 Q: And were you in uniform?  
82  
83 A: Yes.  
84  
85 Q: And were you representing the police department at the time?  
86  
87 A: Yes.  
88  
89 Q: Please if you can explain in detail to the best of your recollection what  
90 transpired during the commission meeting. Ah, specifically with respect to



91 your interaction with Civilian (Maria Cruz). And if you can, could you  
92 describe for me (Maria Cruz), ah, prior to, um, going into your recollection.  
93  
94 A: Okay. M- (Maria Cruz) is, ah, I'm guessing five feet tall and has gray hair.  
95  
96 Q: Okay. All right. So like I said please, ah, from your recollection - to the best  
97 of your recollection, let me know what transpired, ah, during commission  
98 meeting with respect to - to her.  
99  
100 A: I was standing in commission, um, on the side of, ah, city clerk, that, ah,  
101 walkway.  
102  
103 Q: Mm-hm.  
104  
105 A: Where I normally stand. I happened to be standing next to Mrs. (Cruz) and in  
106 plain view it caught my attention text messages and a conversation that she  
107 was having which I believed to be with Commissioner (Logo) and  
108 Commissioner (Casada).  
109  
110 Q: You mentioned, ah, in plain view. Could you describe for me how it was that  
111 Mrs. (Cruz) was, ah, texting or how you - how the - how that act caught your  
112 attention?  
113  
114 A: She was right next to me.  
115  
116 Q: Mm-hm. She was to your left or to your right?  
117  
118 A: She was to my left.  
119  
120 Q: Okay.  
121  
122 A: She's a little shorter than I am. She was holding like notebook type of - like  
123 that - notebooks or paperwork and she was holding it at her waist level like -  
124 like a student would hold books at school.  
125  
126 Q: Okay.  
127  
128 A: And on the top of the books or paperwork or a notebook that she had, her  
129 phone was sitting there.  
130  
131 Q: And from where you were standing, you had, um, you could easily - could  
132 you easily see what was on her phone?  
133  
134 A: Yes.  
135

136 Q: Okay. And you also mentioned, ah, that you believed she was texting the com-  
137 the commissioners. Were you able to actually read what she was - from your  
138 position from where you were standing?  
139  
140 A: Yes.  
141  
142 Q: Okay. And how did you know it was - it was that she was texting the  
143 commissioners?  
144  
145 A: I could see their names.  
146  
147 Q: Their names? Where on the top of the?  
148  
149 A: On the top of the phone.  
150  
151 Q: Okay. Go ahead and continue please.  
152  
153 A: So I believe what I was observing was wrong and it was unethical because it  
154 appeared to discussion that they were having involved the topic that was at  
155 hand.  
156  
157 Q: And what topic was it at hand at the time?  
158  
159 A: They were talking - the police department was doing a presentation on the  
160 neighborhood safety and, ah, it went into, um, further conversation about  
161 police department and hiring security guards.  
162  
163 Q: Okay. And was this a topic that was up for vote or anything, um, like that or  
164 was it just a discussion or was it just a presentation? Um...  
165  
166 A: It initially was a presentation.  
167  
168 Q: Okay. So at that time they're having a presentation on the NSA, ah,  
169 specifically, um, they're bringing up an issue regarding, ah, security guards,  
170 ah ...  
171  
172 A: Yeah, because it went off topic.  
173  
174 Q: It went off topic from the NSA?  
175  
176 A: From - from the presentation, it - correct.  
177  
178 Q: Okay. And so from your vantage point you oversee, um, some text messaging  
179 between, ah, Mrs. (Cruz) and - and the commissioners. And, um, do you have  
180 a specific recollection of what it was that you - what it was that she had

181 texted?  
182  
183 A: Yes. On- one of the conversations entailed asking - she had been denied a  
184 speaker card...  
185  
186 Q: Okay.  
187  
188 A: ...and she was trying to speak  
189  
190 Q: Okay.  
191  
192 A: And I thought that the public doesn't know that if you are denied a speaker  
193 card that you could start texting commissioners. So I felt at that time she was  
194 trying to circumvent the system to try to speak.  
195  
196 Q: Okay.  
197  
198 A: That was one. And the second one she was asking a commissioner what a -  
199 asking a commissioner to ask the chief a specific question.  
200  
201 Q: Okay. And do you recall what was transpiring, um, at commission before the  
202 dais at this time? And just from - from what I've watched on the commission,  
203 ah, video, it appeared that the chief was - was speaking to, um, Commissioner  
204 (Keon). Was this at the time that was taking place?  
205  
206 A: I couldn't tell you.  
207  
208 Q: Okay. All right. Okay. So you observed the behavior and then, um, or you  
209 observed the text messaging and then what happens?  
210  
211 A: So I - I believe that it was unethical and I was - it wasn't, um, on the record  
212 and that it wasn't something that should be happening so I was going to report  
213 it. In order to report it, I felt that someone was gonna ask me do you have any  
214 proof. So I went into investigator mode. I was the - I'm a police major. I've  
215 been an investigator for many years. And just decided that I was gonna gather  
216 evidence and that I was going to photograph it so that I could report it and I  
217 did that.  
218  
219 Q: Okay. And, um, so you photographed it and what were the means? Did you  
220 use a - how did you photograph her?  
221  
222 A: I - I have two phones. I have a work phone and I have a personal phone.  
223  
224 Q: Mm-hm.  
225

226 A: I took out my work phone and I photographed it.  
227  
228 Q: Okay. Um, how many photographs did you - did you take?  
229  
230 A: I believe I took at least six. I know I deleted a couple that were blurry.  
231  
232 Q: Okay. Um, and do you still have those photographs?  
233  
234 A: I do.  
235  
236 Q: Okay. Would you be willing to read the - the content of what's depicted there  
237 and into the record if you...  
238  
239 A: I don't have them with me but...  
240  
241 Q: Okay. To the best of your recollection, could you inform us of...  
242  
243 A: Those are the spirit what I had - what I had just mentioned a while ago...  
244  
245 Q: Okay.  
246  
247 A: ...that was the spirit requesting to speak.  
248  
249 Q: Right.  
250  
251 A: After being denied.  
252  
253 Q: Okay.  
254  
255 A: And the other - the other one was regarding like I said before asked the chief -  
256 asked a specific question.  
257  
258 Q: Okay. Um, and in terms of - and could you describe for me how it was that  
259 you, ah, captured the photos? Um, could you describe what you physically did  
260 to capture the photos?  
261  
262 A: I...  
263  
264 Q: And where you were standing at the time.  
265  
266 A: I was standing right next to her. And I...  
267  
268 Q: Okay.  
269  
270 A: ...took out my phone and I just snapped the picture.

271  
272 Q: Okay. Did you, ah, did you have to zoom in on anything like that?  
273  
274 A: I might have yes.  
275  
276 Q: Okay.  
277  
278 A: I also took several pictures, um, much like being an investigator would do  
279 when you're, um, trying to gather evidence. I just didn't take pictures of her  
280 phone. I took pictures of the scene. So that, um, if I thought in my mind if I  
281 just took a picture of the phone then somebody would ask me, well, then  
282 where was that taken, how do I know it was taken in commission? So I  
283 actually took several photos that would depict the whole scene - the dais and  
284 everything so I could present when I was reporting it I could present that.  
285 These were where the photos were taken and I even got her in the shot so it  
286 wasn't just the phone so this - this is her phone, this is the - the photos that  
287 were taken and just to - to capture the, um, where we were.  
288  
289 Q: Okay. So you take some - some photos of Mrs. (Cruz)'s phone - specifically  
290 of what, ah, she was texting at the time. And - and then what happens?  
291  
292 A: I put my phone away. Shortly after, there's a break.  
293  
294 Q: Okay. Ah, during that break did you engage with Ms. (Maria Cruz)?  
295  
296 A: Not initially on that break - no.  
297  
298 Q: Okay. Um, during that break did you speak to anyone?  
299  
300 A: I did.  
301  
302 Q: Okay. Who did you speak to?  
303  
304 A: I immediately reported it to Director (Fernandez).  
305  
306 Q: Okay. Um, and with respect to that conversation, did you communicate the  
307 content, um, of Mrs. (Cruz)'s text messages to the director?  
308  
309 A: I told him, ah, and I don't remember my exact words. It was many months  
310 ago.  
311  
312 Q: Okay.  
313  
314 A: But, um, I relayed to him that I had witnessed or what I believed I had  
315 witnessed inappropriate, unethical behavior and through text messaging. And

316 I told him I had taken a photo.  
317  
318 Q: Okay. And what was the response that you received from - from him?  
319  
320 A: He acknowledged what I said and he, um, instructed me to go tell the city  
321 manager.  
322  
323 Q: Okay. Um, at that point in time were any of your actions, ah, determined to be  
324 improper, um, by the - by the director or were you given any other instructions  
325 other than relaying the information to the, ah, city manager?  
326  
327 A: He told me to go to the city manager.  
328  
329 Q: Okay. All right. So, um, that's transpiring. Ah, where did that conversation,  
330 um, take place?  
331  
332 A: With the city manager?  
333  
334 Q: Yes.  
335  
336 A: She was in route walking to - from...  
337  
338 Q: No. Sorry.  
339  
340 A: Oh.  
341  
342 Q: With, ah, with the director. Um, where did that conversation take place?  
343  
344 A: Um, excuse me.  
345  
346 Q: Yeah, no problem.  
347  
348 A: It was right - right outside of city hall.  
349  
350 Q: Outside of chambers?  
351  
352 A: Outside of chambers.  
353  
354 Q: Okay. And then, um, my understanding is that there was a ribbon cutting  
355 ceremony that was supposed to take place outside for the NSA vehicles  
356 correct?  
357  
358 A: Yes.  
359  
360 Q: Okay. And you did - did you, um, you did have a conversation also with the

361 city manager?  
362  
363 A: I wouldn't call it a conversation. I told her the same thing.  
364  
365 Q: The same thing? Okay. And wh- did she - did she give you any instruction?  
366  
367 A: She ju- she acknowledged it.  
368  
369 Q: Okay. All right. Um, at - and you were present for the ribbon cutting  
370 ceremony outside?  
371  
372 A: Yes. Yes.  
373  
374 Q: So that concludes and then you - do you return back to commission chambers?  
375  
376 A: Yes.  
377  
378 Q: Okay. Could you pick up from there chronologically what - what transpires  
379 when you return back to commission?  
380  
381 A: Um, when I walk into commission, um, Mrs. (Cruz) is already approaching  
382 the dais to speak and I'm standing in the same spot that I had - I was standing  
383 previously. And, ah, she - she knows - she informs the commission. Um, and  
384 then the Commissioner (I.ogo) speaks regarding the issue and then she walks  
385 towards me and she says something to the effect of, ah, "Stop watching me,"  
386 or something like that. I don't remember the exact words. And I say  
387 something in response. I don't know the exact words but to the effect of,  
388 "Well, then you stop texting commissioners."  
389  
390 Q: Okay. And where did this, um, that conversation take place?  
391  
392 A: Where I'm standing, um, in front and that, ah, right in front of city clerk side  
393 that, ah, pass- pass way to the hallway there.  
394  
395 Q: Okay. And at that time the, um, the commission meeting had - had, ah, had  
396 resumed correct? Were - were the members of the audience in - in, ah, the  
397 vicinity?  
398  
399 A: I believe so.  
400  
401 Q: Yeah? Okay. So you, ah, tell her something with respect to stop the texting or  
402 stop texting commissioners. Um, and can you describe for me your demeanor  
403 at the time when you spoke to her, um, to the best of your recollection?  
404  
405 A: Matter of fact.

406  
407 Q: Okay.  
408  
409 A: To what I believed was inappropriate...  
410  
411 Q: Mm-hm.  
412  
413 A: ...at that time.  
414  
415 Q: All right. Um, were you told by any of your supervisors to engage, ah, Mrs.  
416 (Cruz) after informing, um, the director and the manager of her actions?  
417  
418 A: No.  
419  
420 Q: All right. So that transpires. Um, Commissioner (Logo) you've mentioned, ah,  
421 spoke on the record and that's - and that's, ah, that's evidenced in the, ah,  
422 video. And, um, what transpires after that?  
423  
424 A: I...  
425  
426 Q: To the best of your recollection.  
427  
428 A: I don't...  
429  
430 Q: Anymore interaction with (Maria Cruz)?  
431  
432 A: No.  
433  
434 Q: Okay. Did you, um, at any point in time have a, ah, a conversation with the  
435 chief of police regarding, um, regarding this issue?  
436  
437 A: Yes.  
438  
439 Q: Okay. Um, when did that conversation take place with respect to this time  
440 sequence of events?  
441  
442 A: I'm not 100% sure.  
443  
444 Q: Okay, that's fine. But do you recall...  
445  
446 A: Yes.  
447  
448 Q: You do recall having a conversation with him?  
449  
450 A: Yes.



451  
452 Q: Okay. Um, and did you relay, ah, your concerns to the chief, ah, prior to  
453 speaking? Do you think you relayed the information to him prior to speaking  
454 to the director of public safety?  
455  
456 A: No.  
457  
458 Q: Okay. And when did you speak to him, what - what did you inform him of or  
459 what did you guys talk about?  
460  
461 A: He already knew.  
462  
463 Q: He already knew what?  
464  
465 A: He told me, "I was told you were taking pictures."  
466  
467 Q: Okay.  
468  
469 A: And I said, "I was taking pictures."  
470  
471 Q: Okay. And, um...  
472  
473 A: I didn't have an opportunity to tell him he knew already.  
474  
475 Q: Okay. And that was the extent of it?  
476  
477 A: And then he said, um, "There's going to be an internal affairs investigation."  
478  
479 Q: Okay. Now you described Mrs. (Cruz)'s actions and this is, ah, you answered  
480 most of these questions but I just wanna get this on the record. Ah, we were  
481 forwarded by Mrs. (Cruz), um, a letter dated October 28, 2016, from the (En  
482 Long) Firm. Um, it appears she obtained a copy of this letter via a public  
483 records request. Um, did the (En Long) Firm represent you and if so did you  
484 authorize a letter, um, that I ma- that I made part of this file? You had a  
485 chance to read - read it over?  
486  
487 A: Yes.  
488  
489 Q: And that letter was authorized by you?  
490  
491 A: Yes.  
492  
493 Q: Okay. Ah, did you have a chance to read over the letter before it was sent out  
494 by - by the (En Long) Firm?  
495

496 A: Yes.  
497  
498 Q: All right. Um, are the contents a true account of your actions during the  
499 commission meeting?  
500  
501 A: Yes.  
502  
503 Q: And are the statements therein a true account of your beliefs at the time of the  
504 meeting?  
505  
506 A: Yes.  
507  
508 Q: All right. All right. And just, ah, last couple of questions regarding the actions  
509 of Mrs. (Cruz). You indicated that you believed them to be wrong and  
510 unethical. Ms. (Cruz) is a civilian, um, was there, ah, a violation of any law  
511 that was taking place before you?  
512  
513 A: I did not believe there was a violation of law - no.  
514  
515 Q: Okay. And did you feel that your actions were in the furtherance - furtherance  
516 of your duties as a police officer?  
517  
518 A: I think I had a duty as a - a city employee. So I am a police officer. It was my  
519 duty to act.  
520  
521 Q: Okay. And then in terms of, ah, Mrs. (Cruz)'s actions, ah, you described them  
522 as wrong and unethical. Um, and I believe the letter that was issued by the, ah,  
523 (En Long) Firm also mentions that, ah, there's some - there's a paragraph in  
524 there where it indicates that Ms. (Maria Cruz) was attempting to get, um, one  
525 of them - referring to the commissioners - to ask a question of Chief (Hodack)  
526 in further- furtherance of her political agenda. Um, what political agenda does  
527 this letter refer to and, um, how did you gain this information?  
528  
529 A: I'm really not sure what her political agenda is.  
530  
531 Q: Okay. Now Major Molina is there anything that, ah, I have failed to ask you  
532 that you would like to add to this statement?  
533  
534 A: Yes.  
535  
536 Q: Sure.  
537  
538 A: Um, I just wanted to say that I would not have taken any - any action if I  
539 didn't think what I was witnessing was wrong, unethical and a lack of  
540 transparency in open government. Now I know from listening to City

541 Attorney Mr. (Lien) from his internal affairs statement that Coral Gables  
542 resident Mrs. (Cruz) and Commissioner (Logo) were well within their right to  
543 text about a topic that was before the commission. And that Commissioner  
544 (Casada) and Mrs. (Cruz) were also well within their right to text as well  
545 during the commission meeting. I also learned from Mr. (Lien) that  
546 commissioners should put texts on their record and Commissioner (Logo) did  
547 so after Mrs. (Cruz) spoke at the dais and told everyone about the texting. I  
548 did not try to stop Mrs. (Cruz) from texting. I didn't tell her to stop texting  
549 while she was texting. I didn't say a word to her while she was texting with  
550 who I believed to be Commissioner (Logo) and Commissioner (Casada). It  
551 was what I later learned from her statement that was in fact texting  
552 Commissioner (Logo) and (Casada) during the police department's  
553 presentation. To address my comment to Mrs. (Cruz) something to the effect  
554 that I said, "Stop texting commissioners." I made that comment to that effect  
555 in response to Mrs. (Cruz)'s statement to me after she left the dais and was  
556 walking towards me and not while she was in the process of texting  
557 commissioners. I made that comment because at that time I believed that  
558 texting with commissioners during a meeting was not permitted. I am a major  
559 of the Criminal Investigation Division, I'm an investigator and I simply  
560 wanted to investigate a (unintelligible). Although I did not think texting with  
561 commissioners during a commission meeting was a criminal violation, I  
562 certainly thought it was an evidence - it was evidence of lack of transparency  
563 in open government and the public hearings were just that. Hearings in the  
564 public view. I thought I may - I maybe observing a violation of the Sunshine  
565 Law with regard to public hearings. It was my assumption that all  
566 communications with commissioners should be on the record and that text-  
567 text messages during a commission meeting, which is a public forum, lacked  
568 transparency. I thought that it was unethical to conduct side conversations  
569 during a presentation on the record in the commission meeting. But after I  
570 learned - but correction. But I learned after the fact that Mr. (Lien)'s internal  
571 affairs interview that he reviewed this matter and in his professional legal  
572 opinion was that text messages were appropriate and permitted. To me at the  
573 time of the commission meeting, it was like a lawyer texting a judge during a  
574 trial. As a loyal city employee for the past 23 years and as a member of the  
575 police department's command staff, it has been ingrained in me after hearing  
576 public safety director, Assistant City Manager (Fernandez) say many times  
577 during various meetings if you see something immoral, unethical or illegal,  
578 scream it out. He's also said as many of us have said on the police department  
579 including Chief (Hodack), "If you see something, say something." And it's  
580 also a simple but impacting statement that's been said by Director (Fernandez)  
581 is, "If not me, then who?" I felt strongly that it was my duty to say something  
582 about what I observed in plain view in a public meeting about something that I  
583 truly believed went against the spirit of conducting business in the sunshine.  
584 About something I believed that was immoral and unethical. Like I  
585 mentioned, I am an investigator. And when I took the photos, I was gathering

586 evidence. I took pictures of the phone screen and pictures that would include  
587 Mrs. (Cruz) on the dais. For example, just like an investigator would take  
588 pictures of evidence on the floor and then a picture of the scene to show where  
589 the evidence was on the floor where it was located in the room, I took photos  
590 of both. I took pictures of the phone and of Mrs. (Cruz) and the commission  
591 meeting. I wanted to capture where the phone was being - where the photos  
592 were being taken. I was an investigator gathering evidence for an  
593 investigation. I knew that when I reported it I would be asked for proof. I took  
594 pictures to preserve what I had observed. I said this already but I have two  
595 phones. I have a work phone and I have a personal phone. I used my work  
596 phone to take the photos. I was not trying to hide when I took the photos. I  
597 just took them. I knew I would be reporting my observations immediately. I  
598 immediately told public safety director, Assistant City Manager (Fernandez)  
599 of what I observed and that I had taken pictures to memorialize what I had  
600 observed. I believe I told him within five to ten minutes after I took the  
601 pictures. Director (Fernandez) instructed me to inform City Manager (Kathy  
602 Swanson Rithenbark) and I did so just prior to the ribbon cutting ceremony.  
603 When I walked back into the commission chambers after the ribbon cutting  
604 ceremony, that's when Mrs. - Mrs. (Cruz) was approaching the dais to address  
605 the commission and inform them of my actions. My plan was to follow up and  
606 investigate further on to whether there was a violation of public hearing laws.  
607 However, I was unable to do so as Chief (Rodack) informed me the day of  
608 commission that there was going to be an internal affairs investigation right  
609 after Mrs. (Cruz) addressed the commission and Commissioner (Logo)  
610 addressed the community about this matter and that I was subsequently  
611 relieved of duty. It was never my intention to distract from the commission  
612 meeting and I apologize for that to the commission, to the community and to  
613 Mrs. (Cruz). If I would have known that commissioners could text residents  
614 during commission meetings, I would never have given it a second thought. I  
615 have never been trained in public hearing procedures. I only know what I have  
616 observed over the years. I have observed the requirement that everyone must  
617 go, get an approved speaker card to speak and it's entered into the record.  
618 Mrs. (Cruz) was denied that opportunity to speak at commission meeting. I  
619 thought I was observing the circumventing of the procedure. It was my  
620 experience that ev- everything had to be read into the record. It was a public  
621 hearing. A hearing in the sunshine. I did not believe that there was an  
622 expectation of privacy in a public hearing with cameras for audio and video  
623 everywhere. The meeting was audio and videotaped for the community to  
624 know everything that's going on during the meeting. At that time I wondered  
625 if everyone in the community knew that if they were denied a speaker card  
626 they could text commissioners to see if they could still speak before  
627 commission -- in this case two commissioners. At that time, and I stress at that  
628 time, I thought it was unethical and wrong. Again, I now know that that's not  
629 the case based on Mr. (Lien)'s statement. As a member of command staff for  
630 over five years, I am required to be at commission meetings when police

631 matters are on the agenda and I've only learned about proceedings through my  
632 observations and not through any training. Over the years in my presence,  
633 Mayor (Kasson) has been strictly enforcing the rules concerning speakers with  
634 regard to when they can speak and how long and it is all put on the record. It  
635 has been my observations that everything that occurs during the meeting goes  
636 on the record. I acted in good faith and with good intentions of the heart. I had  
637 a split second to make that decision. I felt I had an obligation to act, the  
638 chance to follow through and see if there were any unethical behavior or lack  
639 of transparency in government with regard to the side conversations off the  
640 record. The opportunity to follow up was taken away from me. I never got a  
641 chance to investigate further. Like I mentioned already, I know now this  
642 texting conversation was permitted and had I known that, I would have taken  
643 no action at all.  
644

645 Q: Ah, major has everything you've said been the truth to the best of your  
646 knowledge?

647  
648 A: Yes.

649  
650 Q: Major all personnel are reminded that pursuant to Florida Statute Section  
651 112.533 Subsection 4, any participant in an internal investigation who  
652 willfully discloses any information obtained as a result of the investigation  
653 before - and before the information becomes a public record including the  
654 identity of the officer under investigation, the nature of the questions asked,  
655 information revealed or documents furnished in connection with the  
656 investigation, may commit a misdemeanor of the first degree. In addition to  
657 potential criminality employees are reminded that disclosure of information  
658 from open internal affairs cases violates CGPD policy and can result in  
659 discipline. You are ordered not to discuss or disclose any information obtained  
660 pursuant to this agency's internal affairs investigation except as authorized or  
661 required. You may not in any manner interfere with this investigation and do  
662 you - do you understand this?  
663

664 A: Yes.

665  
666 Q: This concludes the statement. It is now approximately 10:35.

TAB B

# BRIAN L. TANNEBAUM, P.A.

Special Counsel to Bast Amron, LLP

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Via email [ehudak@coralgables.com](mailto:ehudak@coralgables.com)

April 10, 2017

Edward Hudak  
Chief  
Coral Gables Police Department  
2801 Salzedo Street  
Coral Gables, Florida 33134

Re: Major Terri Molina

Dear Chief Hudak,

Thank you for the opportunity for us to meet and speak with you on April 5, 2017.

On behalf of my client Major Molina, I wanted to summarize her pre determination hearing statement in furtherance of assisting in your decision.

Major Molina has been a police officer with the City of Coral Gables for 23 years. Of those 23 years, 16 of them have been in a supervisory capacity. During her career, the police department has routinely placed her in positions of trust and supervision and she has represented the police department and City well.

On September 28<sup>th</sup>, Major Molina was in a position to observe what she perceived to be a lack of transparency in government during a public hearing. Based on her observations, and with her investigative background, she made a split second decision to capture what she believed to be evidence of a possible violation of the sunshine law.

It was her assumption that all communications with city commissioners during a public meeting should be on the record, including text messages between a resident and sitting commissioners during a commission meeting, as this is a public forum. Major Molina incorrectly thought that it was improper to conduct side text conversations during commission as a presentation and discussion on the record regarding the decision to continue to support and employ a public safety initiative were taking place.

As she stated, over the years, Major Molina has watched Mayor Cason strictly enforce the rules concerning speakers with regard to when they can speak and how long and it is all put on the record. The Mayor has been very clear with residents and others as to the requirement to fill out and submit a speaker card in order to address the commission at a meeting. It has been her observation that everything that occurs during the meeting goes on the record to include the

1 S.E. 3<sup>rd</sup> Avenue  
Suite 1400  
Miami, Florida 33131

Office 305-379-7904  
Direct: 305-374-7850  
Tallahassee: 850-556-0109

[btannebaum@tannebaum.com](mailto:btannebaum@tannebaum.com)  
[www.tannebaum.com](http://www.tannebaum.com)

resident's name, address and their comments - everything is part of the record. Yet, Major Molina was observing a resident not follow this policy and instead asking to address commission by text and instructing a commissioner via text on what question to ask.

The whole situation seemed inappropriate to Major Molina, but rather than take any steps that would disrupt the meeting, she felt the appropriate action was to capture what was happening using her City issued cellular phone and then follow up by investigating and inquiring further (which she was unable to do so because of the Internal Affairs investigation and subsequent relief of duty).

Major Molina felt strongly that it was her duty to say something about what she observed in plain view in a public meeting about something that she truly believed went against conducting business in the sunshine.

Major Molina has never been trained in the public hearing procedures. She only knows what she has observed over the years. She has observed the requirement that everyone must get an approved speaker card to speak and that card is entered into the record. Mrs. Cruz was denied the opportunity to speak at the commission meeting, and Major Molina thought she was observing a circumventing of the established procedures. It was her experience that everything had to be read into the record because it is a public hearing. Major Molina did not believe there was an expectation of privacy in a public hearing where there were cameras running for audio and video.

Major Molina now knows from listening to City Attorney Craig Leen's Internal Affairs statement, that Coral Gables Resident Mrs. Cruz and Commissioner Lago were well within their right to text during a public meeting about a topic that was before the commission and that Commissioner Quesada and Mrs. Cruz were well within their right to text as well during the commission meeting. Major Molina also learned from Mr. Leen that commissioners should put texts on the record and Commissioner Lago did so after Mrs. Cruz spoke at the dais and told everyone about the texting.

As for the exchange of words in commission between Mrs. Cruz and Major Molina, Mrs. Cruz in her own words said to Internal Affairs that she confronted Major Molina as she walked back to her seat saying, "stop watching me."

Major Molina did respond something to the effect "stop texting commissioners." This was a comment in response to Mrs. Cruz's statement to her after she left the dais from addressing commission and was walking towards Major Molina and not while Mrs. Cruz was in the process of texting commissioners. Major Molina made that comment simply because, at that time, she believed that texting with commissioners during a meeting was not permitted.

As Major Molina advised, if she had to do it all over again, she would have not said a word to Ms. Cruz in response to her confronting Major Molina and stating "stop watching me." Major Molina realizes that the right thing to do would have been to say nothing in response to Mrs. Cruz confronting her.

Over the years, Major Molina has attended numerous commission meetings where there have been difficult and intense situations or conversations and she has always conducted herself professionally. She assured you that this type of interaction with a citizen is something that will

1 S.E. 3<sup>rd</sup> Avenue  
Suite 1400  
Miami, Florida 33131

Office 305-379-7904  
Direct: 305-374-7850  
Tallahassee: 850-556-0109

[btannebaum@tannebaum.com](mailto:btannebaum@tannebaum.com)  
[www.tannebaum.com](http://www.tannebaum.com)



never happen again, and that she understands the importance of how citizens should be treated. You can be assured of this, as Major Molina has never been disciplined for any disrespectful conduct.

Major Molina openly apologized in the commission chambers for her response to Mrs. Cruz the moment after Commissioner Lago finished addressing both Major Molina and Mrs. Cruz. Additionally, during the IA interview and during the pre-determination meeting Major Molina has apologized for the distraction that her actions caused. It was never her intention to distract from the commission meeting.

Major Molina acted in good faith with good intentions. She felt she had an obligation to act and only had a split second to do so. If Major Molina would have known that commissioners and residents could text each other during a public meeting about items under consideration or on the agenda for discussion she would have done nothing in response to Mr. Cruz texting a commissioner.

As you know, Major Molina has been a loyal City of Coral Gables employee for over 23 years who has no prior discipline and no prior rudeness complaint. She has always worked hard, has always strived to do her best, has represented the organization and City well and has been committed to the police department to serve the citizens of the City of Coral Gables for these past 23 years.

Thank you,

Very truly yours,



Brian L. Tannebaum

cc: Director Raquel Elejabarrieta, Labor Relations and Risk Management  
([relejabarrieta@coralgables.com](mailto:relejabarrieta@coralgables.com))  
A/Lieutenant Nestor Carbonell, Internal Affairs  
([ncarbonell@coralgables.com](mailto:ncarbonell@coralgables.com))

1 S.E. 3<sup>rd</sup> Avenue  
Suite 1400  
Miami, Florida 33131

Office 305-379-7904  
Direct: 305-374-7850  
Tallahassee: 850-556-0109

[btannebaum@tannebaum.com](mailto:btannebaum@tannebaum.com)  
[www.tannebaum.com](http://www.tannebaum.com)

TAB C

**CITY OF CORAL GABLES  
EMPLOYEE PERFORMANCE EVALUATION  
MANAGEMENT/SUPERVISION**

HR DEPT AUG 8 '13 09:05

NAME (LAST, FIRST, MI) Molina, Theresa, M.		
DEPARTMENT/DIVISION Police/Criminal Investigations		JOB TITLE Major
EVALUATION PERIOD FROM: 02/06/12 TO: 08/06/12	DATE OF REVIEW 07/01/13	NUMBER OF ABSENT HOURS SICK 304      LOST TIME
PURPOSE OF REPORT:		
PROBATIONARY <input checked="" type="checkbox"/>	PROMOTIONAL <input checked="" type="checkbox"/>	ANNUAL ( )      OTHER ( )

Safety:  Acceptable      \_\_\_\_\_ Unacceptable  
 Attendance:  Acceptable      \_\_\_\_\_ Unacceptable  
 Punctuality:  Acceptable      \_\_\_\_\_ Unacceptable  
 Appearance:  Acceptable      \_\_\_\_\_ Unacceptable

If any of the above are unacceptable, a salary increase may be denied, or delayed with no consideration for retroactivity.

COMMENTS:

**INSTRUCTIONS FOR COMPLETION**

1. Supervisor completes form.
2. Supervisor meets with the next level of management for review and concurrence. (The form will be reviewed by all appropriate levels, including the Department Head.)
3. Supervisor meets with Employee to discuss appraisal.
4. Forward appraisal for all levels of management review and signatures and then to the Human Resources Department.

**PERFORMANCE RATINGS:** Circle the number which appears above or between the level(s) of performance which most closely match(es) the performance demonstrated by the employee during the appraisal period.

LEADERSHIP								
The ability to bring about cooperation toward meeting objectives				Weighted Score	4			
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
1	1.5	2	2.5	3	3.5	4	4.5	5
Direction are often confused and contradictory.		Sometimes fails to obtain cooperation because objectives are not clear.		Generally provides clear directions and gets things done through others		Above average ability to promote cooperation and understanding of objectives		Always precise and accurate in providing direction Promotes teamwork among staff
<p><b>COMMENTS:</b> Major Molina has many qualities that promote leadership. In her new position she is learning to merge both the skills learned from training with those she inherently holds. Her personnel respect and follow her instructions without delay or question indicating her leadership qualities.</p>								

BUDGET/COST CONTROL								
The ability to prepare and control budgets and expenditures.				Weighted Score	3.5			
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
1	1.5	2	2.5	3	3.5	4	4.5	5
Constantly fails to budget accurately Frequently has cost overruns or shortfalls Pays little attention to cost items.		Occasionally fails to budget adequately for routine needs Sometimes insensitive to cost issues		Accurately prepares, monitors and controls budget expenditures Active in initiating cost savings		Very cost conscious Very good at budgeting Strives to cut and control costs.		Outstanding at budget management Takes a leadership role in identifying ways to cut and control costs
<p><b>COMMENTS:</b> During the initial six months of Major Molina's tenure, she inherited a budget created by a previous division commander. Major Molina worked tirelessly to understand where the division was with regards to the budget and where she needed to take the division. Having never prepared a budget, Major Molina asked appropriate questions of her peers and without delay started to make her own evaluations of how to improve financial efficiency within her division.</p>								

MOTIVATION								
The ability to positively inspire work efforts.				Weighted Score	4.5			
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
1	1.5	2	2.5	3	3.5	4	4.5	5
Personally lacks enthusiasm Negative work attitude affects subordinates		Does not consistently encourage subordinates to excel		Recognizes, rewards and encourages good, solid performance		Generates above average enthusiasm among subordinates		Serves as an outstanding work example. Inspires subordinates to excel
<p><b>COMMENTS:</b> Major Molina is extremely motivated on her own accord. This quality in itself motivates those around her. Major Molina exudes fun and excitement in her approach to work and this propels others in her command to project similar enthusiasm towards their job assignments.</p>								

**PROBLEM SOLVING**

The ability to analyze situations and solve work problems.							Weighted Score	4	
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	
1	1.5	2	2.5	3	3.5	4	4.5	5	
Does not solve problems effectively. Ignores problems or waits for others to solve them.		Occasionally fails to deal effectively with problems. Needs some improvement.		Is an effective problem solver. Often anticipates problems and prevents them from occurring.		Very good problem solving ability. Usually anticipates problems and prevents them from occurring.		Exceptional problem solving ability. Can be relied upon to anticipate and prevent problems from occurring.	
<p><b>COMMENTS:</b>                  Major Molina held one of the most challenging positions in the organization, that of Internal Affairs Commander, prior to her promotion. As such, Major Molina has the skill and experience to evaluate situations and make effective decisions to resolve matters prior to problems arising.</p>									

**COMMUNICATION**

The ability to effectively convey thoughts, ideas and necessary information to others.							Weighted Score	4	
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	
1	1.5	2	2.5	3	3.5	4	4.5	5	
Memos or directives are unclear and usually seem to miss the point. Subordinates often confused over what is desired.		Occasionally fails to communicate necessary information. Not always clear.		Provides for a good exchange of information in a clear and concise manner.		Communications are clear, concise and persuasive. Lays out options and alternatives through problems.		Eloquent and accurate in both oral and written analysis of situations.	
<p><b>COMMENTS:</b>                  Major Molina has communication skill that far exceed those in her profession. She also has communication skills that clearly indicate the value in the decision to promote her to Major. She will benefit from time in grade to enhance her confidence in her position and communicate more effectively as a member of Senior Staff.</p>									

**DELEGATION**

The ability to correctly identify appropriate work tasks to be handled by subordinates.							Weighted Score	4	
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	
1	1.5	2	2.5	3	3.5	4	4.5	5	
Unable to identify appropriate work tasks for subordinates.		Occasionally assigns wrong tasks or fails to follow-up with subordinates.		Normally assigns appropriate work tasks to subordinates.		Consistently assigns appropriate work to subordinates.		Always delegates both responsibility and authority with both routine and challenging tasks.	
<p><b>COMMENTS:</b>                  Major Molina spent the past five and a half years as the Internal Affairs Commander and managing three others. She is a self starter who's work ethic is how to always get the job done. As work comes her way she has the mind set to jump in and get the job done. Though extremely admirable, as she spends more time as a Major, she will need to give others more job responsibilities to move her division forward.</p>									

PLANS										
The ability to develop appropriate goals and activities and identifying/aggregating resources needed to accomplish them.								Weighted Score		4.5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>		
1	1.5	2	2.5	3	3.5	4	4.5	5		
Never plans ahead, practices "crisis management".		Occasionally fails to plan adequately for project or department needs.		Planning efforts are reasonable and sufficient to meet project or department needs.		Planning efforts are thorough and concise, often showing unusual insight into future needs.		Planning efforts are innovative, insightful, and creative. Provides for the effective use of resources.		
<p><b>COMMENTS:</b> Major Molina has initiative and commitment to this organization. As such, she demonstrates quality and insightful ideas to move her division forward. This is a valuable trait as crime trends are ever-changing and challenging.</p>										

PRIORITIES										
The ability to rank work projects in appropriate order and to schedule time optimally.								Weighted Score		4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>		
1	1.5	2	2.5	3	3.5	4	4.5	5		
Work effort is disorganized. Important projects often done after "busy work". Deadlines often not met.		Sometimes fails to schedule projects and work time. Occasionally fails to meet deadlines.		Priorities are correctly set and work planned to meet important deadlines.		Scheduling and planning are exceptionally well thought out.		Anticipates future problems. Prioritizes work. Is typically ahead of schedule and asks for new projects.		
<p><b>COMMENTS:</b> Once again in her career, Major Molina has been thrown into an assignment with no warning. She has dug into this challenge with the utmost effort. She understands the big picture well. No two individuals prioritize items the same. Major Molina understands the needs of the organization and makes every effort to direct her personnel to meet these needs.</p>										

JUDGMENT AND DECISION MAKING										
The ability to come to a conclusion based on the information available.								Weighted Score		4.5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>		
1	1.5	2	2.5	3	3.5	4	4.5	5		
Decisions are often wrong because of poor judgment. Frequently hesitates or neglects to make decisions that are necessary.		Sometimes makes bad decisions because of poor information or bad judgment. Sometimes neglects decisions when necessary.		Usually arrives at sound decisions. Analysis of problem and alternatives is usually good. Decisions are usually made in a timely manner.		Very good at making decisions. Uses good judgment in analyzing problems and alternatives. Makes timely decisions.		Superior decision making ability. Shows excellent judgment. Commendable record of well thought out and implemented decisions.		
<p><b>COMMENTS:</b> Major Molina has excellent judgement and decision making skills. I again refer back to her previous assignment as the Internal Affairs Commander. This "previous" assignment may in fact be the most critical to any police organization. Major Molina's skills in this area are often called upon by others as her evaluation, understanding and opinion on many challenging matters are highly regarded.</p>										

STAFFING									
The ability to select and maximize the effective use of human resources.							Weighted Score	4.5	
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1	1.5	2	2.5	3	3.5	4	4.5	5	
Frequently assigns work to inappropriate personnel. Poor staffing judgment		Occasionally fails to match tasks with workers' skill levels. Questionable staffing judgment		Normally assigns work tasks appropriate to skills and abilities of staff. Good staffing skills		Highly effective in the assignment of staff to the proper tasks. May be creative. Staffs with very good people		Very creative in the use of all staff. Often results in cost savings or avoidance. Staffs with excellent people	
<b>COMMENTS:</b> Major Molina understands people. Ever since she assumed a supervisory role in this organization she has had a keen ability to know where subordinates should be used or assigned and why they would be effective in a particular assignment. She continues to demonstrate this in her new position.									

INITIATIVE									
The ability to develop/originate new ideas or methods without be urged.							Weighted Score	4.5	
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
1	1.5	2	2.5	3	3.5	4	4.5	5	
Never generates new ideas or methods to improve operations. Needs constant prompting. Does not encourage innovation from staff.		Occasionally identifies new methods, but requires regular encouragement. Rarely encourages innovation from staff.		Generally takes the first step toward making change with little prompting. Encourages innovation from staff.		Frequently develops with new approaches usually independently. Very good at encouraging innovation from staff.		Continually originates new work ideas and methods independently. Excellent at encouraging innovation from staff.	
<b>COMMENTS:</b> As described in this category; developing and originating new ideas is a daunting task. Major Molina is quickly developing the skills in this area, one which has never been demanded of her in the past.									

WORK PRODUCT									
The ability to produce work that is accurate, neat and thorough.							Weighted Score	4.5	
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1	1.5	2	2.5	3	3.5	4	4.5	5	
Produces poor quality and volume of work. Often late		Produces work of marginal quality and volume of work		Quality and volume of work is good. Conscientious about doing quality work		Produces high volume quality work. Seldom makes mistakes		Produces outstanding precise, neat and accurate work in High volume of work produces	
<b>COMMENTS:</b> Major Molina's work product is second to none. In fact, she is often called upon, even by me, to review documents for content, grammar, and style.									

TOTAL PERFORMANCE RATING: 4.0

(Total up the weighted scores for each of the performance factors and divide by 12 to determine the TOTAL PERFORMANCE RATING.)

Action Plan (Including any training and/or development issues)

Supervisor's Overall Comments:  
(Note: the use of sick leave during this rating period was actually maternity leave.)

Major Molina is an outstanding employee.

[Signature]                      SCOTT MASHGTON                      7/1/13  
Signature                                      Print Name                                      Date

Reviewer's Comments:

[Signature]                      8/5/13                      [Signature]                      8/5/13  
Signature                                      Date                                      Department Head Signature                      Date

My signature on this evaluation indicates that I have had the opportunity to read and discuss the evaluation with my supervisor.

Employee's Comments:

[Signature]                      8/5/13  
Signature                                      Date

FOR HUMAN RESOURCES USE ONLY  
ANNUAL PERFORMANCE EVALUATION SUMMARY

Employee current hourly rate: 46.41                      Increase %: 2.5  
Employee new hourly rate: 47.5703                      Effective Date: 2/6/13  
Next Review Date: 2/6/14  
[Signature]                      8/9/13  
Signature                                      Date



CORAL GABLES POLICE DEPARTMENT  
**CAREER DEVELOPMENT/HIGHER EDUCATION**

Name: Theresa Silverio Molina I.D.#: 6982  
Division: Criminal Investigations Division Unit: \_\_\_\_\_  
Hire date: January 8, 1994 Anniversary date: February 6, 2013  
Counseling session date: September 30, 2013 Next session (month/year): February 6, 2014

<b>Goals to enhance current assignment:</b> I am learning everyday and there is so much more to learn. One of my goals is to acquire new knowledge and experience while providing value and growth to the organization.
<b>Career goals and job expectations within Department (where do you see yourself in future, i.e., sergeant, management, special assignment, etc.):</b> I am enjoying my current position as the Major/Division Commander for the Criminal Investigations Division. In the future, I would welcome the opportunity to expand my knowledge and serve as a Major for other divisions within the police department.
<b>Discussion (includes accomplishments, problems, training, education, practical experience, methods to achieve goals):</b> As always, I would like to attend training courses related to my assignment as opportunities arise.
<b>Additional comments, if any:</b>

Training records reviewed

  
\_\_\_\_\_  
Employee's Signature

  
\_\_\_\_\_  
Supervisor's Signature

*Please attach to the Employee Performance Evaluation/Appraisal*

**CITY OF CORAL GABLES  
EMPLOYEE PERFORMANCE EVALUATION  
MANAGEMENT/SUPERVISION**

NAME (LAST, FIRST, MI)			
Molina, Theresa			
DEPARTMENT/DIVISION		JOB TITLE	
Police/Criminal Investigations		Major	
EVALUATION PERIOD	DATE OF REVIEW	NUMBER OF ABSENT HOURS	
FROM: 02/06/12 TO: 02/05/13	July 10, 2013	SICK	LOST TIME
PURPOSE OF REPORT:			
PROBATIONARY ( )	PROMOTIONAL ( )	ANNUAL <input checked="" type="checkbox"/>	OTHER ( )

Safety:  Acceptable      \_\_\_\_\_ Unacceptable  
 Attendance:  Acceptable      \_\_\_\_\_ Unacceptable  
 Punctuality:  Acceptable      \_\_\_\_\_ Unacceptable  
 Appearance:  Acceptable      \_\_\_\_\_ Unacceptable

If any of the above are unacceptable, a salary increase may be denied, or delayed with no consideration for retroactivity.

COMMENTS:

**INSTRUCTIONS FOR COMPLETION**

1. Supervisor completes form.
2. Supervisor meets with the next level of management for review and concurrence. (The form will be reviewed by all appropriate levels, including the Department Head.)
3. Supervisor meets with Employee to discuss appraisal.
4. Forward appraisal for all levels of management review and signatures and then to the Human Resources Department.

**PERFORMANCE RATINGS:** Circle the number which appears above or between the level(s) of performance which most closely match(es) the performance demonstrated by the employee during the appraisal period.

LEADERSHIP									
The ability to bring about cooperation toward meeting objectives								Weighted Score	4.5
<input type="radio"/> 1	<input type="radio"/> 1.5	<input type="radio"/> 2	<input type="radio"/> 2.5	<input type="radio"/> 3	<input type="radio"/> 3.5	<input type="radio"/> 4	<input checked="" type="radio"/> 4.5	<input type="radio"/> 5	
Direction are often confused and contradictory.	Sometimes fails to obtain cooperation because objectives are not clear.		Generally provides clear directions and gets things done through others			Above average ability to promote cooperation and understanding of objectives		Always precise and accurate in providing direction. Promotes teamwork among staff	
<p><b>COMMENTS:</b> Major Molina has settled into her role as a Major very well. She works extremely hard; this work ethic, leading by example, demonstrates one aspect of her leadership talent. She engages her supervisors in many decisions which empowers them to be involved. I have received positive feedback from her subordinates which clearly shows how well she establishes leadership qualities.</p>									

BUDGET/COST CONTROL									
The ability to prepare and control budgets and expenditures.								Weighted Score	4.5
<input type="radio"/> 1	<input type="radio"/> 1.5	<input type="radio"/> 2	<input type="radio"/> 2.5	<input type="radio"/> 3	<input type="radio"/> 3.5	<input type="radio"/> 4	<input checked="" type="radio"/> 4.5	<input type="radio"/> 5	
Constantly fails to budget accurately Frequently has cost overruns or shortfalls Pays little attention to cost items	Occasionally fails to budget adequately for routine needs Sometimes insensitive to cost issues		Accurately prepares, monitors and controls budget expenditures Active in initiating cost savings			Very cost conscious Very good at budgeting Strives to cut and control costs		Outstanding at budget management Takes a leadership role in identifying ways to cut and control costs	
<p><b>COMMENTS:</b> During this rating period, Major Molina was involved for the first time in the development of the annual budget. She showed herself to be a quick study. She was able to both evaluate how resources were distributed by her predecessors and how to make improvements to more effectively run the division. She controlled her expenditures at fiscal years end and supported her request for new funds well.</p>									

MOTIVATION									
The ability to positively inspire work efforts.								Weighted Score	4.5
<input type="radio"/> 1	<input type="radio"/> 1.5	<input type="radio"/> 2	<input type="radio"/> 2.5	<input type="radio"/> 3	<input type="radio"/> 3.5	<input type="radio"/> 4	<input checked="" type="radio"/> 4.5	<input type="radio"/> 5	
Personally lacks enthusiasm Negative work attitude affects subordinates	Does not consistently encourage subordinates to excel		Recognizes, rewards and encourages good, solid performance.			Generates above average enthusiasm among subordinates		Serves as an outstanding work example. Inspires subordinates to excel	
<p><b>COMMENTS:</b> As indicated above, Major Molina works extremely hard. Regardless of external demands, when called upon she always comes through. This in itself motivates others. Major Molina also mixes well with others, a character trait that cannot be taught, and as such she is able to motivate others to achieve goals they may not have initially set for themselves.</p>									

PROBLEM SOLVING								
The ability to analyze situations and solve work problems.							Weighted Score	4.5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
1	1.5	2	2.5	3	3.5	4	4.5	5
Does not solve problems effectively. Ignores problems or waits for others to solve them.		Occasionally fails to deal effectively with problems. Needs some improvement.		Is an effective problem solver. Often anticipates problems and prevents them from occurring.		Very good problem solving ability. Usually anticipates problems and prevents them from occurring.		Exceptional problem solving ability. Can be relied upon to anticipate and prevent problems from occurring.
<p>COMMENTS:</p> <p>Major Molina demonstrates insightfulness when evaluating work related matters. As the Acting Chief, I often solicited her thoughts on challenging issues and at times was provided information from a vantage point I had not realized. She is an asset to the organization in this area of work.</p>								

COMMUNICATION								
The ability to effectively convey thoughts, ideas and necessary information to others.							Weighted Score	4.5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
1	1.5	2	2.5	3	3.5	4	4.5	5
Memos or directives are unclear and usually seem to miss the point. Subordinates often confused over what is desired.		Occasionally fails to communicate necessary information. Not always clear.		Provides for a good exchange of information in a clear and concise manner.		Communications are clear, concise and persuasive. Lays out options and alternatives through problems.		Eloquent and accurate in both oral and written analysis of situations.
<p>COMMENTS:</p> <p>During this rating period, I had opportunity to see Major Molina communicate with others both within and outside of our organization. She is able to speak and write clearly and others understand her well. Major Molina was challenged in a public forum about the performance of our agency. She was able to remain calm, and spoke with passion and authority that eased the tension and commanded the respect of those she addressed.</p>								

DELEGATION								
The ability to correctly identify appropriate work tasks to be handled by subordinates.							Weighted Score	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
1	1.5	2	2.5	3	3.5	4	4.5	5
Unable to identify appropriate work tasks for subordinates.		Occasionally assigns wrong tasks or fails to follow-up with subordinates.		Normally assigns appropriate work tasks to subordinates.		Consistently assigns appropriate work to subordinates.		Always delegates both responsibility and authority with both routine and challenging tasks.
<p>COMMENTS:</p> <p>As she has evolved in her role as Major, I have observed Major Molina delegate more work to others. At times however, I do still see some reluctance to dole out work or to demand tight timeframes almost as if there is a concern of overburdening others. I respect this greatly, but do not want it to hold back even greater potential that she has.</p>								

PLANS									
The ability to develop appropriate goals and activities and identifying/aggregating resources needed to accomplish them.								Weighted Score	4.5
<input type="radio"/> 1	<input type="radio"/> 1.5	<input type="radio"/> 2	<input type="radio"/> 2.5	<input type="radio"/> 3	<input type="radio"/> 3.5	<input type="radio"/> 4	<input checked="" type="radio"/> 4.5	<input type="radio"/> 5	
Never plans ahead, practices "crisis management".		Occasionally fails to plan adequately for project or department needs.		Planning efforts are reasonable and sufficient to meet project or department needs.		Planning efforts are thorough and concise, often showing unusual insight into future needs.		Planning efforts are innovative, insightful, and creative. Provides for the effective use of resources.	
<p><b>COMMENTS:</b> Major Molina excels in this area. During this rating period there were many times that circumstances demanded the creation of new plans or the refinement of existing plans all of which she handled with ease. During this time period, we had many presidential visits during a strong campaign prior to elections. As the Commanding Officer for these dignitary visits she demonstrated her talents developing plans, working with external agencies and managing both personnel and financial resources .</p>									

PRIORITIES									
The ability to rank work projects in appropriate order and to schedule time optimally.								Weighted Score	4.5
<input type="radio"/> 1	<input type="radio"/> 1.5	<input type="radio"/> 2	<input type="radio"/> 2.5	<input type="radio"/> 3	<input type="radio"/> 3.5	<input checked="" type="radio"/> 4	<input type="radio"/> 4.5	<input type="radio"/> 5	
Work effort is disorganized. Important projects often done after "busy work". Deadlines often not met.		Sometimes fails to schedule projects and work time. Occasionally fails to meet deadlines.		Priorities are correctly set and work planned to meet important deadlines.		Scheduling and planning are exceptionally well thought out.		Anticipates future problems. Prioritizes work. Is typically ahead of schedule and asks for new projects.	
<p><b>COMMENTS:</b> Major Molina schedules her work to meet the demands of the organization. She has at times appeared to be working until the last minute but she always gets the job done and this may merely be how she performs her best. As a division, there has never been a deadline that has not been met under her command.</p>									

JUDGMENT AND DECISION MAKING									
The ability to come to a conclusion based on the information available.								Weighted Score	4.5
<input type="radio"/> 1	<input type="radio"/> 1.5	<input type="radio"/> 2	<input type="radio"/> 2.5	<input type="radio"/> 3	<input type="radio"/> 3.5	<input type="radio"/> 4	<input checked="" type="radio"/> 4.5	<input type="radio"/> 5	
Decisions are often wrong because of poor judgment. Frequently hesitates or neglects to make decisions that are necessary.		Sometimes makes bad decisions because of poor information or bad judgment. Sometimes neglects decisions when necessary.		Usually arrives at sound decisions. Analysis of problem and alternatives is usually good. Decisions are usually made in a timely manner.		Very good at making decisions. Uses good judgment in analyzing problems and alternatives. Makes timely decisions.		Superior decision making ability. Shows excellent judgment. Commendable record of well thought out and implemented decisions.	
<p><b>COMMENTS:</b> Major Molina excels in this area as well. She does not jump to conclusions. She evaluates available information, asks pertinent questions and makes quality decisions.</p>									

STAFFING									
The ability to select and maximize the effective use of human resources.								Weighted Score	4.5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1	1.5	2	2.5	3	3.5	4	4.5	5	
Frequently assigns work to inappropriate personnel. Poor staffing judgment.		Occasionally fails to match tasks with workers' skill levels. Questionable staffing judgment.		Normally assigns work tasks appropriate to skills and abilities of staff. Good staffing skills.		Highly effective in the assignment of staff to the proper tasks. May be creative. Staffs with very good people.		Very creative in the use of all staff. Often results in cost savings or avoidance. Staffs with excellent people.	
<p><b>COMMENTS:</b> Major Molina has keen insight into the skills of others and how to best use those skills. She has had great ideas since taking command of the Criminal Investigation Division about how to move personnel to be more effective. (It must be stated however, that she has been limited in her ability to carry out some of these efforts by no fault of her own.)</p>									

INITIATIVE									
The ability to develop/originate new ideas or methods without be urged.								Weighted Score	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	
1	1.5	2	2.5	3	3.5	4	4.5	5	
Never generates new ideas or methods to improve operations. Needs constant prompting. Does not encourage innovation from staff.		Occasionally identifies new methods, but requires regular encouragement. Rarely encourages innovation from staff.		Generally takes the first step toward making change with little prompting. Encourages innovation from staff.		Frequently develops with new approaches usually independently. Very good at encouraging innovation from staff.		Continually originates new work ideas and methods independently. Excellent at encouraging innovation from staff.	
<p><b>COMMENTS:</b> Major Molina has quickly met the challenge of developing and implementing action plans to make her division more efficient and effective. She routinely brought forward solutions to issues facing her division in an attempt to provide better services to our community.</p>									

WORK PRODUCT									
The ability to produce work that is accurate, neat and thorough.								Weighted Score	4.5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1	1.5	2	2.5	3	3.5	4	4.5	5	
Produces poor quality and volume of work. Often late.		Produces work of marginal quality and volume of work.		Quality and volume of work is good. Conscientious about doing quality work.		Produces high volume quality work. Seldom makes mistakes.		Produces outstanding precise, neat and accurate work in High volume of work produces.	
<p><b>COMMENTS:</b> Major Molina's work product is always thorough. She is never concerned about how much there is to be done and what she produces is easy to follow and leaves her superior comfortable that no stone was left un-turned.</p>									

TOTAL PERFORMANCE RATING: 4.5,5

(Total up the weighted scores for each of the performance factors and divide by 12 to determine the TOTAL PERFORMANCE RATING)

Action Plan (Including any training and/or development issues)

Supervisor's Overall Comments:  
Major Molina is an asset to this organization and will most certainly continue to excel.

AA Signature      Scott Masinger Print Name      7/14/13 Date

Reviewer's Comments:

J. Wynn Signature      8/2/13 Date      J. Wynn Department Head Signature      8/2/13 Date

My signature on this evaluation indicates that I have had the opportunity to read and discuss the evaluation with my supervisor.

Employee's Comments:

[Signature] Signature      8/2/13 Date

FOR HUMAN RESOURCES USE ONLY  
ANNUAL PERFORMANCE EVALUATION SUMMARY

Employee current hourly rate: \_\_\_\_\_ Increase %: \_\_\_\_\_  
Employee new hourly rate: \_\_\_\_\_ Effective Date: \_\_\_\_\_  
Next Review Date: \_\_\_\_\_  
\_\_\_\_\_  
Signature      Date



**CITY OF CORAL GABLES  
EMPLOYEE PERFORMANCE EVALUATION  
MANAGEMENT/SUPERVISION - CG102**

Employee Name: THERESA MOLINA

Department: Police

Division: CID

Job Title: MAJOR

Date of Review: 02/27/2014

Evaluation Period: From: 02/06/2013 To: 02/05/2014

Purpose of Report:

Number of Hours Sick: 64

Competency	Rating
Safety	Acceptable
Attendance	Acceptable
Punctuality	Acceptable
Appearance	Acceptable

If any of the above are unacceptable, a salary increase may be denied, or delayed with no consideration for retroactivity.

**INSTRUCTIONS FOR COMPLETION**



1. Supervisor completes form.
2. Supervisor meets with the next level of management for review and concurrence.  
(The form will be reviewed by all appropriate levels, including the Department Head.)
3. Supervisor meets with Employee to discuss appraisal.
4. Forward appraisal for all levels of management review and signatures and then to the Human Resources Department.

Indicate the number which most closely matches the performance demonstrated by the employee during the appraisal period.

## PERFORMANCE RATINGS

Score: 4.6 / 5.0

### LEADERSHIP

Score: 4.5 / 5.0

The ability to bring about cooperation toward meeting objectives.

- 5.0 - Always precise and accurate in providing direction. Promotes teamwork among staff.
- 4.5
- 4.0 - Above average ability to promote cooperation and understanding of objectives.
- 3.5
- 3.0 - Generally provides clear direction and gets things done through others.
- 2.5
- 2.0 - Sometimes fails to obtain cooperation because objectives are not clear.
- 1.5
- 1.0 - Directions are often confused and contradictory.

**Comments:** Major Molina has continued to lead change within her division. She sets clear expectations and provides consistent supervision. She has established strong lines of communications to ensure transparency within her division and between divisions. She is quickly reaching top levels of performance as a member of command staff. To reach higher ratings in this performance rate, Major Molina needs to become more comfortable with driving change throughout her chain of command and developing stronger leadership capabilities in her subordinate supervisors.  
Because of her strong leadership abilities, she is one of a select few authorized to be Acting Chief in the chief's absence.

---

### BUDGET/COST CONTROL

Score: 4.5 / 5.0

The ability to prepare and control budgets and expenditures

- 5.0 - Outstanding at budget management. Takes a leadership role in identifying ways to cut and control costs.
- 4.5
- 4.0 - Very cost conscious. Very good at budgeting. Strives to cut and control costs.
- 3.5
- 3.0 - Accurately prepares monitors and controls budget expenditures. Active in initiating cost savings.
- 2.5

- 
- 2.0 - Occasionally fails to budget adequately for routine needs. Sometimes insensitive to cost issues
- 1.5
- 1.0 - Constantly fails to budget accurately. Frequently has cost overruns or shortfalls. Pays little attention to cost items.

**Comments:** Major Molina has done a very good job at managing her division in a challenging budgetary environment. Although current budgetary policies are inconsistent with obtaining optimal divisional performance, she has been able to apply a balanced and effective strategy to meet the significant competing priorities of the division. She has been able to prioritize task force participation on a prudent return on investment basis. This has allowed the department to maintain participation in task forces that most directly support Coral Gables Police objectives while reducing participation in those task forces that have historically failed to support those objectives. To achieve a higher rating in this performance trait, Major Molina needs to explore additional opportunities to allow the department to increase its participation in task force operations that have significant potential to return substantial benefit to the department. Her internal management of the her budget has allowed her division to succeed in both external task force operations and internal criminal investigations. This has occurred in an environment of stressed and tense relationships both within her division and with our task force partners.

#### MOTIVATION

Score: 4.5 / 5.0

The ability to positively inspire work efforts

- 5.0 - Serves as an outstanding work example. Inspires subordinates to excel
- 4.5
- 4.0 - Generates above average enthusiasm among subordinates.
- 3.5
- 3.0 - Recognizes rewards and encourages good, solid performance.
- 2.5
- 2.0 - Does not consistently encourage subordinates to excel.
- 1.5
- 1.0 - Personally lacks enthusiasm. Negative work attitude affects subordinates.

**Comments:** Major Molina has a natural drive to succeed. Even when presented with significant obstacles, her motivation has never dwindled. she has an ability to instill motivation in her subordinates. This has allowed her division to reach new heights of performance.

#### PROBLEM SOLVING

Score: 4.5 / 5.0

The ability to analyze situations and solve work problems

- 5.0 - Exceptional problem solving ability. Can be relied upon to anticipate and prevent problems from occurring.
- 4.5
- 4.0 - Very good problem solving ability. Usually anticipates problems and prevents them from occurring.
- 3.5

- 3.0 - Is an effective problem solver. Often anticipates problems and prevents them from occurring
- 2.5
- 2.0 - Occasionally fails to deal effectively with problems. Needs some improvement.
- 1.5
- 1.0 - Does not solve problems effectively. Ignores problems or waits for others to solve them.

Comments: Major Molina is always providing viable solutions to significant challenges. She doesn't wait to be asked for solutions, she always has options to present for consideration. She anticipates issues before they impact operations.

She was tasked with and successfully organized a multi-county, multi-agency property crime symposium that brought together many law enforcement agencies for the purposes of discussing property crime trends, tactics and strategies. The symposium is credited with helping to solve several significant criminal cases

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#### COMMUNICATION

Score: 4.5 / 5.0

The ability to effectively convey thoughts, ideas and necessary information to others.

- 5.0 - Eloquent and accurate in both oral and written analysis of situations.
- 4.5
- 4.0 - Communications are clear, concise and persuasive. Lays out options and alternatives
- 3.5
- 3.0 - Provides for a good exchange of information in a clear and concise manner.
- 2.5
- 2.0 - Occasionally fails to communicate necessary information. Not always clear.
- 1.5
- 1.0 - Memos or directives are unclear and usually seem to miss the point. Subordinates often confused over what is desired.

Comments: Major Molina is an effective communicator. She routinely identifies communications shortfalls and engages with solutions to prevent adverse outcomes based on poor communication. Her consistent engagement with her staff and other stakeholders provide for opportunities to facilitate better communication.

For her to achieve a higher rating in this performance trait, Major Molina needs to do a better job of being an active listener when communicating with peers, especially when the message being conveyed by her peers is not in line with her own thinking or beliefs.

---

#### DELEGATION

Score: 5.0 / 5.0

The ability to correctly identify appropriate work tasks to be handled by subordinates.

- 5.0 - Always delegates both responsibility and authority with both routine and challenging tasks.
- 4.5
- 4.0 - Consistently assigns appropriate work to subordinates.
- 3.5

- 3.0 - Normally assigns appropriate work tasks to subordinates.
- 2.5
- 2.0 - Occasionally assigns wrong tasks or fails to follow-up with subordinates.
- 1.5
- 1.0 - Unable to identify appropriate work tasks for subordinates

Comments: Major Molina is good at delegating work and managing the work flow within her division. Even as she has had to manage her division with significantly reduced resources, she has succeeded in achieving expected levels of performance by her division. She has clearly been able to do more with less and still maintain the department's expected level of performance. She has demonstrated a deep understanding of her staff's limitations and has managed to extract optimal levels of performance from her division by allocating work within her division based on individual strengths and weaknesses.

---

#### PLANS

Score: 5.0 / 5.0

The ability to develop appropriate goals and activities and identifying/aggregating resources needed to accomplish them.

- 5.0 - Planning efforts are innovative, insightful, and creative. Provides for the effective use of resources.
- 4.5
- 4.0 - Planning efforts are thorough and concise, often showing unusual insight into future needs.
- 3.5
- 3.0 - Planning efforts are reasonable and sufficient to meet project or department needs.
- 2.5
- 2.0 - Occasionally fails to plan adequately for project or department needs.
- 1.5
- 1.0 - Never plans ahead, practices "crisis management".

Comments: She undertakes planning ahead of change to ensure the likelihood of problems are diminished. Her planning efforts are innovative, insightful, and creative. Provides for the effective use of resources.

---

#### PRIORITIES

Score: 4.5 / 5.0

The ability to rank work projects in appropriate order and to schedule time optimally.

- 5.0 - Anticipates future problems. Prioritizes work. Is typically ahead of schedule and asks for new projects.
- 4.5
- 4.0 - Scheduling and planning are exceptionally well thought out.
- 3.5
- 3.0 - Priorities are correctly set and work planned to meet important deadlines.
- 2.5

- 2.0 - Sometimes fails to schedule projects and work time. Occasionally fails to meet deadlines.
- 1.5
- 1.0 - Work effort is disorganized. Important projects often done after 'busy work'. Deadlines often not met.

Comments: Major Molina does a very good job of setting the priorities for her division. Her scheduling and planning are exceptionally well thought out. She anticipates future problems and priorities work. She will reach optimal rating in this trait when she is able to stay ahead of schedule and ask for new projects.

---

#### JUDGMENT AND DECISION MAKING

Score: 4.5 / 5.0

The ability to come to a conclusion based on the information available.

- 5.0 - Superior decision making ability. Shows excellent judgment. Commendable record of well thought out and implemented decisions.
- 4.5
- 4.0 - Very good at making decisions. Uses good judgment in analyzing problems and alternatives. Makes timely decisions.
- 3.5
- 3.0 - Usually arrives at sound decisions. Analysis of problem and alternatives usually good. Decisions are usually made in a timely manner.
- 2.5
- 2.0 - Sometimes makes bad decisions because of poor information or bad judgment. Sometimes neglects decisions when necessary.
- 1.5
- 1.0 - Decisions are often wrong because of poor judgment. Frequently hesitates or neglects to make decisions that are necessary.

Comments: Major Molina is very good at making decisions. She uses good judgment in analyzing problems and alternatives and makes timely decisions. She is consistently relied upon to provide advice and counsel to the chief. Her judgment is spot on and can be relied upon without concern for motivation or intent. Her decision making is routinely made with full consideration of the situation and the facts. However, on rare occasion, and only with the benefit of hindsight, there have been times when even better options were available. This says a lot for how often her decisions are appropriate for the circumstances.

---

#### STAFFING

Score: 4.5 / 5.0

The ability to select and maximize the effective use of human resources

- 5.0 - Very creative in the use of all staff. Often results in cost savings or avoidance. Staffs with excellent people.
- 4.5
- 4.0 - Highly effective in the assignment of staff to the proper tasks. May be creative. Staffs with very good people.
- 3.5
- 3.0 - Normally assigns work tasks appropriate to skills and abilities of staff. Good staffing skills.
- 2.5

- 2.0 - Occasionally fails to match tasks with workers' skill levels. Questionable staffing judgment
- 1.5
- 1.0 - Frequently assigns work to inappropriate personnel. Poor staffing judgment.

**Comments:** Major Molina is highly effective in the assignment of staff to the proper tasks. She excels at maintains high levels of productivity using significantly reduced staffing resources. She develops her staff in new capabilities increasing the capacity of her division. She understand the specific needs of her division and assigns staff accordingly.

---

**INITIATIVE**

**Score: 4.0 / 5.0**

The ability to develop/originate new ideas or methods without being urged.

- 5.0 - Continually originates new work ideas and methods independently. Excellent at encouraging innovation from staff.
- 4.5
- 4.0 - Frequently develops with new approaches. Usually independently. Very good at encouraging innovation from staff.
- 3.5
- 3.0 - Generally takes the first step toward making change with little prompting. Encourages innovation from staff.
- 2.5
- 2.0 - Occasionally identifies new methods, but requires regular encouragement. Rarely encourages innovation from staff.
- 1.5
- 1.0 - Never generates new ideas or methods to improve operations. Needs constant prompting. Does not encourage innovation from staff.

**Comments:** Major Molina frequently develops new approaches. Usually independently. Very good at encouraging innovation from staff.

---

**WORK PRODUCT**

**Score: 5.0 / 5.0**

The ability to produce work that is accurate, neat and thorough.

- 5.0 - Produces outstanding precise, neat and accurate work in High volume of work produced.
- 4.5
- 4.0 - Produces high volume quality work. Seldom makes mistakes.
- 3.5
- 3.0 - Quality and volume of work is good. Conscientious about doing quality work.
- 2.5
- 2.0 - Produces work of marginal quality and volume of work.
- 1.5

1.0 - Produces poor quality and volume of work. Often late

Comments: Major Molina set the mark in the performance trait! Her work is clear, concise, well thought out and written well.

**TOTAL PERFORMANCE RATING**

Score: 4.6 / 5.0

**Action Plan (Including any training and/or development issues)**

Plan Title:

**Supervisor's Overall Comments**

Major Molina is a crucial member of the department's leadership team. She is a valued and respected member of command staff. Few decisions are made with her insight, input or feedback. The department has experienced great success due in significant part to her contributions.

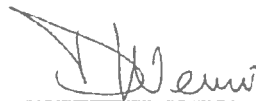
**Reviewer's Comments**

My electronic signature on this evaluation indicates that I have had the opportunity to read and discuss the evaluation with my supervisor.

**Employee's Comments**

**Signatures**

Chief of Police:



Date:

3/21/14

**HUMAN RESOURCES USE ONLY**

**ANNUAL PERFORMANCE EVALUATION SUMMARY**

Employee current hourly rate 47.5703 Increase % 2.5%

Employee new hourly rate: 48.7596 Effective Date 2/16/14

Next Review Date: 2/6/15

Signature \_\_\_\_\_ Date \_\_\_\_\_



TAB D

CITY OF CORAL GABLES

-MEMORANDUM-

TO: Human Resources File

DATE: July 1, 2016



FROM: Frank G. Fernandez  
Assistant City Manager/Public Safety Director

SUBJECT: Major Molina -  
Pending Evaluation

---

This memorandum is to memorialize that I have reviewed Major Molina's performance during the rating period of February 6, 2014 through February 5, 2015 with Chief Hudak. Additionally, I have reviewed the employee's file and the performance document provided by Major Molina. Based on the fact that the evaluator Chief Weiner has separated from the agency, I submit this document as a satisfactory evaluation for this employee.

c. Elsa Jaramillo-Velez, Human Resources Director  
Chief Edward Hudak

CITY OF CORAL GABLES

- MEMORANDUM -

TO: FRANK G. FERNANDEZ  
DIRECTOR OF PUBLIC SAFETY

DATE: FEBRUARY 24, 2016

FROM: MAJOR TERRI S. MOLINA  
CRIMINAL INVESTIGATIONS DIVISION

SUBJECT: EVALUATIONS - 2014 to 2016

 #6982

As requested, this is a summary of my accomplishments and work product for the following rating periods:

- February 6, 2014 to February 5, 2015
- February 6, 2015 to February 5, 2016

During these rating periods, I have been the Division Commander (Major) for the Criminal Investigations Division

I effectively communicated with Criminal Investigations Division's Supervisory Staff, meeting with them regularly, reviewing ongoing/open criminal investigations. My approach to the briefings was to foster a positive and engaging environment that promoted critical analysis and information sharing. Supervisors were asked about methods and techniques utilized in ongoing cases, status reports, and how investigations would be managed to ensure all leads were exhausted and appropriate follow up was done. An emphasis was placed on prioritizing actionable intelligence and working to interrupt active crime patterns. Additional importance was placed on investigations into crimes that presented a danger to the community.

Pursuant to my obligations and management responsibility with the South Florida Money Laundering Strike Force and the Drug Enforcement Administration (detectives detached to these task forces), I maintained ongoing and regular communication with Special Investigations Section personnel and law enforcement partners, as I was committed to having cooperative investigative relationships with the federal, state, and local agencies.

Managing multiple assignments and responsibilities is something that I excel in, demonstrated by how I handled the administrative, investigative, and personnel oriented demands of the division. I reviewed reports, and provided operational briefs and updates to the Chief of Police and other staff members in a timely fashion and followed up regularly in all areas of the job.

Through deliberate engagement, I have emphasized coordination and competency with regards to conducting quality investigations. My interests did not end with arrests, as I consistently addressed the importance of properly preparing for and testifying in court proceedings and hearings related to our cases.

Page 2 of 3  
February 24, 2016  
Major T. S. Molina: 2014-2016 evaluation

By encouraging and supporting detectives to work as acting supervisors, I supported their professional growth and development, which in my experience, improved their overall performance and sense of responsibility when their regular supervisors returned. I also worked to develop my supervisory team. Regardless of whether they were permanent or temporary in

their duties, I emphasized planning, responsible management, communication and quality leadership when mentoring and guiding personnel. I have been a practitioner of team building and partnerships both inside the police department and with other agencies. During these rating periods, I prepared and submitted the budget for my division and included decision packages that focused on agency needs.

In preparation for Compstat and Problem Solving Initiative Meetings, I oversaw the analysis and operational briefs that were delivered to the Chief of Police and other staff members. At Compstat sessions, I contributed by asking questions and providing input when appropriate, working to improve how we investigated crimes and managed the sharing of information/intelligence.

In August 2015, the Crime Analyst position within the Criminal Investigations Division became vacant abruptly leaving a void that quickly needed to be filled. Personnel from the Criminal Investigations Division were left to assume the responsibilities that were once those of the Crime Analyst. On a weekly basis, the Criminal Investigation Division consistently met the weekly deadline (in addition to their existing work load) - it is a testament to the supervisory team's management, self-motivation and hard work.

Throughout the rating period, I kept the Chief of Police informed and submitted reports timely. I prepared and submitted all required CALEA reports and documentation. I made it a point to stay ahead of potential problems or crisis, sharing concerns with fellow staff members. My organizational skills proved helpful when I planned and coordinated the 2013 and 2014 Property Crimes Symposium hosted by our agency for the region. The symposium involved more than 30 law enforcement agencies from 5 counties, sharing information, intelligence, and tactics in a 2-day professional colloquium setting at Miami Dade College.

Tasked with developing an intelligence unit, I worked with the Chief of Police and other staff members to launch the Strategic Investigations Unit, a task force comprised of officers assigned to be on a proactive unit within the Criminal Investigations Division that examined the impact of emerging crime trends, coordinated multi-jurisdictional information sharing, identified crime patterns and harvested intelligence, and facilitated the development of crime reduction strategy.

In May of 2014, I attended the annual Chief of Police training day hosted by the Miami Dade Association of Chiefs of Police.

Page 3 of 3  
February 24, 2016  
Major T. S. Molina: 2014-2016 evaluation

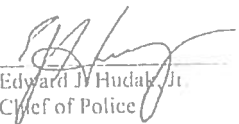
In July of 2014, I attended a course hosted by Dataveillance/Social Media and Open Source Intelligence Research and Investigation that discussed the accessible intelligence through social media

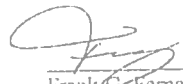
In June of 2015, I attended a course hosted by the Public Agency Training Council/Internal Affairs Conference that highlighted the following topics: investigations, employee discipline and legal issues.

In July of 2015, I attended a conference hosted by the Southern Police Institute in Reno, Nevada titled Predictive Policing/New Innovation for Policing. It was an informative course that discussed methods for predicting crime, offenders and victims of crime through the use of technology

In January of 2016, I attended a conference hosted by the International Association of Chiefs of Police/Women's Leadership Institute. It was a highly interactive course that provided an opportunity for self-evaluation and focused on leading team, organizations and change as well as many other leadership topics.

Reviewed by:

  
Edward J. Hudak, Jr.  
Chief of Police  
2/25/16  
Date

  
Frank G. Fernandez  
Director of Public Safety  
Assistant City Manager  
10625 04/04/16  
Date

# TAB E

CITY OF CORAL GABLES

- MEMORANDUM -

TO: MAJOR W. MARTIN  
AWARDS SELECTION COMMITTEE

DATE: JUNE 13, 1998

FROM: SGT. D. HOLMES 

SUBJECT  
RECOGNITION OF OFFICERS

---


Today at approximately 12:35 we responded to a suicidal women with a knife call at 111 Grand Avenue, documented under our case number 98-11138. Responding to the call were Ofc's Barrett, Donovan, Thomson, and myself as primary units, and Ofc's Masington, Rogers, Dieppa, Peduto, Escalona, along with Sgt. Pitts and Lt. Spell, as secondary units. Upon arrival we determined that the female had locked herself in a bathroom. From the information that we had and from what we could tell of her demeanor (screaming, sobbing, wriggling on the floor, non responsive to our presence and our attempts to communicate with her) we were concerned that she had already inflicted harm to herself. With the help of another resident we managed to remove the hinges and pull the door out of the frame. We discovered the female had not harmed herself but was holding the knife to her stomach in a threatening manner. We immediately retreated allowing her some distance and awaited the arrival of the hostage negotiator who was on duty and who was already in route to the call.

Ofc. Silverio arrived very quickly and immediately initiated attempts to calm the female and communicate with her. In very short order she was able to calm her and began establishing a rapport with the female. Shortly after that she talked the women into giving up her weapon. Lt. Condon arrived at the scene and assisted Ofc. Silverio with further communication. Again, in a very short period of time, they managed to talk the women out of the bathroom and into protective custody. She was transported to JMH under the Baker Act statute.

I would like to commend all the officers on the scene. They worked well as a professional team. I want to also thank the members of the Communication section for their efforts, and the members of the Coral Gables Fire Department who stood by ready to provide emergency medical services for anyone in need.

In particular, I would like to commend Officer Silverio for her professional efforts to ensure a peaceful, safe, and swift resolution to the situation. I recommend her for the Officer of the Month award for June 1998.

cc Media Relations



CITY OF CORAL GABLES

- MEMORANDUM -

TO: SGT. THERESA SILVERIO  
UNIFORM PATROL DIVISION

DATE: MARCH 25, 2003

FROM: JAMES HARLEY   
INTERIM CHIEF OF POLICE

SUBJECT:  
OFFICER OF THE MONTH  
FEBRUARY 2003

---

CONGRATULATIONS!!!!

The Awards Selection Committee has selected you to be the recipient as Officer of the Month for FEBRUARY 2003, based on your excellent service described in the attached nomination in Case No. 03--001366.

ON BEHALF OF THE CORAL GABLES POLICE DEPARTMENT AND THE CITIZENS OF OUR COMMUNITY, THANK YOU FOR YOUR OUTSTANDING LAW ENFORCEMENT SERVICE!

As Officer of the Month for February 2003, you are awarded eight (8) additional hours of annual leave from the City.

The Kiwanis Club is honoring you at a luncheon with an Award Presentation held at the Renaissance at the Gables, 2340 S.W. 32<sup>nd</sup> Street, Miami, Florida, on Tuesday, April 22, 2003, at Noon.

Please contact Joyce Kegley, owner of Peppy's in the Gables, 216 Palermo Avenue, to make arrangements for your complimentary dinner for two (2). She has requested that reservations be made Monday through Thursday only because Friday through Sunday are the busiest days of the week.

Please make an appointment with Joe Keefe, at Extension 5520, to have your photograph taken for the front lobby display. You must wear your Class "A" uniform and bring your Class "A" Hat. Please remove all pens from your shirt pockets, and the left side should be the most visible in order to clearly present the badge and shoulder patch.





PAGE TWO

You will also be the honored guest and will be presented with a Certificate of Appreciation by the F.O.P.A. (Fraternal Order of Police Associates) at their meeting on the same day as the Kiwanis Luncheon, at 5:00 PM at the FOP Hall, 265 Sevilla Avenue. Please call Joanne Wassall at 661-0295 to confirm your attendance.

Attachment

Copies to:  
David Brown, City Manager  
Ana Gonzalez-Fajardo, Employee Relations Director ✓  
Assistant Chief Charles Faidley, Field Operations Bureau  
Assistant Chief Ana Baixauli, Support Services Bureau  
Major Katherine Sours, Uniform Patrol Division  
Major Donald Moore, Technical Services Division  
Major Richard Naue, Criminal Investigations Division  
Major Mark Ginn, Professional Standards Division  
Sgt. Raul Pedroso, Community Affair Unit  
Sgt. Walter Rogers, FOP President  
Trevor Chadderton/FOPA  
Joanne Wassall/FOPA  
Finance Department (Payroll)  
Payroll Clerk/Police Department  
Joe Keefe  
Sgt. Daniel Yglesias/Training  
Personnel File  
Bulletin Board

CITY OF CORAL GABLES

- MEMORANDUM -

TO: MAJOR MARK GINN  
AWARDS SELECTION COMMITTEE

FROM: OFFICER CLAYTON CARTER *CC*  
UNIFORM PATROL DIVISION

DATE: FEBRUARY 27, 2003

SUBJECT: OFFICER OF THE MONTH

---

I would like to nominate Sgt. Terry Silverio for her outstanding work in case number 03-1366. During a critical situation involving an armed subject threatening to commit suicide and shoot any police officer that approached him, Sgt. Silverio arrived on the scene and for approximately forty-five minutes assisted the Metro Dade officer in establishing communications with the subject.

Sgt. Silverio was instrumental in keeping the Metro Dade officer focused, as the officer did not possess the crisis management skills necessary to control the situation. I feel Sgt. Silverio's crisis management skills played an integral part in a dangerous situation. Her actions averted a possible tragedy.

See attached report.

*Sgt. Marie Mandorle*  
*[Signature]*  
*[Signature] 2/27/03*

CITY OF CORAL GABLES

EMPLOYEE SERVICES DEPT.  
2004 FEB -5 PM 3:08

- MEMORANDUM -

TO: SGT. THERESA SILVERIO  
CRIMINAL INVESTIGATIONS  
DIVISION

DATE: JANUARY 27, 2004

FROM: JAMES HARLEY  
CHIEF OF POLICE

SUBJECT: OFFICER OF THE MONTH  
DECEMBER 2003

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CONGRATULATIONS!!!!

The Awards Selection Committee has selected you to be the recipient as Officer of the Month for DECEMBER 2003, based on your excellent service described in the attached nomination in Case No 03-9534

ON BEHALF OF THE CORAL GABLES POLICE DEPARTMENT AND THE CITIZENS OF OUR COMMUNITY, THANK YOU FOR YOUR OUTSTANDING LAW ENFORCEMENT SERVICE!

As Officer of the Month for December 2003, you are awarded eight (8) additional hours of annual leave from the City.

The Kiwanis Club is honoring you at a luncheon with an Award Presentation held at the Renaissance at the Gables, 2340 S.W. 32<sup>nd</sup> Street, Miami, Florida, on Tuesday, February 17, 2004, at Noon.

Please contact Joyce Kegley, owner of Peppy's in the Gables, 216 Palermo Avenue, to make arrangements for your complimentary dinner for two (2). She has requested that reservations be made Monday through Thursday only because Friday through Sunday are the busiest days of the week.

Please make an appointment with Sgt. Raul Pedrosa, at Extension 5401, to have your photograph taken for the front lobby display. You must wear your Class "A" uniform and bring your Class "A" Hat. Please remove all pens from your shirt pockets, and the left side should be the most visible in order to clearly present the badge and shoulder patch.

PAGE TWO

You will also be the honored guest and will be presented with a Certificate of Appreciation by the F.O.P.A. (Fraternal Order of Police Associates) at their meeting on the same day as the Kiwanis Luncheon, at 5:00 PM at the FOP Hall, 265 Sevilla Avenue. Please call Joanne Wassall at 661-0295 to confirm your attendance.

Attachment

Copies to:

David Brown, City Manager  
Donald R. Teres, Employee Relations Director ✓  
Assistant Chief Charles Faidley, Field Operations Bureau  
Assistant Chief Ana Baixauli, Support Services Bureau  
Major Katherine Sours, Uniform Patrol Division  
Major Donald Moore, Technical Services Division  
Major Richard Naue, Criminal Investigations Division  
Major Mark Ginn, Professional Standards Division  
Sgt. Raul Pedroso, Community Affair Unit  
Sgt. Walter Rogers, FOP President  
Trevor Chadderton/FOPA  
Joanne Wassall/FOPA  
Finance Department (Payroll)  
Payroll Clerk/Police Department  
Sgt. Daniel Yglesias/Training  
Personnel File  
Bulletin Board

CITY OF CORAL GABLES

EMPLOYEE RELATIONS DEPT.  
2004 JAN 29 PM 3:09

- MEMORANDUM -

TO: JAMES HARLEY  
CHIEF OF POLICE



DATE: JANUARY 26, 2004

FROM: MAJOR MARK A. GINN  
AWARDS SELECTION CHAIRPERSON

SUBJECT:  
AWARDS SELECTION  
COMMITTEE - DECEMBER  
2004

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The Awards Selection Committee met on January 14, 2004, and approved the following recipients to receive awards for their distinguished service and individual achievements:

December Officer of the Month: Sgt. Alan Matas, Sgt. Theresa Silverio, Detective Ivan Cabrera, and Detective William Swikehardt – Case Number 03-9534.

1. Officer of the Month was awarded to Sgt. Alan Matas, Sgt. Theresa Silverio, Detective Ivan Cabrera, and Detective William Swikehardt for their outstanding performance, courage, and gallantry in the presence of great personal danger and beyond the ordinary call of duty in the furtherance of law enforcement.

During the back several months, the Coral Gables Police Department Vice-Narcotics Unit and the Florida Department of Law Enforcement initiated an investigation targeting an organization that was importing large amounts of the dangerous drug Methamphetamine into South Florida. After complex and lengthy communications with the Alabama based drug trafficking organization, the case was scheduled to culminate with the local delivery of ten pounds of Methamphetamine to undercover Coral Gables police detectives. Midday on October 8, 2003, intelligence in the case revealed that a group of eight dangerous drug traffickers had in fact convoyed to Miami in four separate vehicles with the load of illegal narcotics. As negotiations progressed, arrangements were made for the delivery of the drugs to an undercover location. Four of the eight drug traffickers ultimately made the videotaped delivery and the Coral Gables police Department S.W.A.T. Team arrested them in a controlled "takedown" that revealed these first four traffickers to be armed.

Upon arrival at the hotel, surveillance revealed two of the remaining at large drug dealers including the "armed security man" and a female co-conspirator, to be departing the area in what appeared to be an effort to flee. As the detectives continued to trail the subject vehicle, it became evident that the occupants became aware they were being followed. A split second decision was made by the detectives to tactically execute the stop. Within seconds of the stop, the driver of the subject vehicle drew a large caliber semi-automatic

handgun and began firing at the Coral Gables Detective Team. In the precious minutes that followed, a fierce "firefight" erupted with numerous rounds striking within inches of the Coral Gables Vice Narcotics Detectives. In a courageous manner commensurate with this nomination the detectives tactically maneuvered as the gun battle ensued. Literally, after what is perhaps one of the most violent confrontations in the history of the Coral Gables Police Department, an armed drug trafficker lay deceased on the scene and a co-conspirator was critically wounded. All totaled more than fifty-five rounds were fired. Miraculously, none of the Coral Gables Vice Detectives were shot. Also of great significance was the fact that the nominated detectives had managed to contain this violent confrontation, thus protecting and safeguarding the lives of the numerous citizens and eyewitnesses that were within the area.

Remarkably, following the gun battle, the stress and violence that the nominated detectives encountered did not prevent them from acting professionally as they took all of the appropriate steps to secure the extensive crime scene, obtain emergency medical treatment for the wounded, and make the countless communications necessary for an incident of such magnitude.

**Honorable Mention Officer: n/a**

**Gold Medal Of Valor:**

1. Memorandum from Sgt. Raul Pedrosa and Sgt. Spencer Green nominating Sergeant Alan Matas, Sergeant Theresa Silverio, Detective Ivan Cabrera, and Detective William Swikehardt for the gold Medal of Valor was accepted and approved by the committee. The above listed personnel were awarded the Gold Medal of Valor for their devotion to law enforcement, for their exceptional narcotics operation, courage and bravery in the line of duty.

**Certificate of Appreciation:**

- 1 Purchasing Director Carmen Lizama Gaspa was awarded a Certificate of Appreciation for her superb efforts in the purchase of the F.T.A.A. equipment. Without her personal assistance and that of her department, her cooperation and support, the police department accomplished its mission in purchasing protective gear for the police officers.
- 2 Fire Chief Richard Cook was awarded a Certificate of Appreciation for his tremendous cooperation, personal assistance, and allowing Fire Medic Units to accompany the police Field Force during FTAA week.
- 3 Fire Department Support Service Coordinator Richard Torres was awarded a Certificate of Appreciation for his assistance and technical support. Mr. Torres took time out from his busy work schedule and volunteered to design a system of valves and gauges to properly pressurize the sprayers using Fire Department SCBA tanks.

- 4 Purchasing Department Employee Juan Carlos Miguez was awarded a Certificate of Appreciation for his superb efforts and assistance with the purchasing phase of all of the equipment many of the police officers needed for the FTAA. He volunteered his assistance on a twenty-four hour, seven day basis.
- 5 Channel 18 Production Manager Joseph Keefe was awarded a Certificate of Appreciation for his video taping of police efforts during the FTAA week. He joined the police officers and deployed to downtown Miami and spent five days working long hours diligently taping the movement and actions of not only officers but the demonstrators as well. Also, after the FTAA, he duplicated the video and distributed one copy to everyone that had been deployed to downtown
- 6 Purchasing Employee Joe Rodriguez was awarded a Certificate of Appreciation for his superb efforts assisting the Training Section with the purchasing phase of much needed equipment needed for the FTAA. He helped reduce the purchasing process time and expedite the delivery of the equipment.
- 7 Palmetto Ford was awarded a Certificate of Appreciation along with a plaque in appreciation and generosity they showed to the Coral Gables Police Department during the Free Trade Areas of the Americas Conference by allowing Coral Gables Police to use one of their Ford trucks

**Exceptional Service Award:**

1. Major Mark Ginn was awarded an Exceptional Service Award for his outstanding support and assistance in the preparation of our department for the Free Trade Areas of the Americas conference. Major Ginn was in the background ensuring the Training Section success when identifying training and civil disturbance related equipment needed for this operation. He assisted in conducting departmental training, assembling equipment as it was received, and issuing equipment to the police members.

Copies To: Assistant Chief Ana Baixauli  
Assistant Chief Charles Faidley  
Major Richard Naue  
Major Donald Moore  
Major Katherine Sours  
FOP President  
Community Affairs Section  
Accreditation Section  
Shift Commanders  
Training Section  
ASC Members

TAB F



## MEMORANDUM

TO: Cathy Swanson-Rivenbark, City Manager

FROM: Abby Corbett, Esq., Stearns Weaver Miller

CC: Craig Leen, City Attorney

DATE: May 19, 2017

RE: Supplement to Kara Nickel's May 18, 2017 Memorandum on Results of Major Theresa S. Molina Review – as to Constitutional Issues

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As Special Counsel to the City of Coral Gables on First Amendment and other matters, I write to supplement the memorandum from my partner, Kara Nickel, by addressing the issue of the constitutional bases on which Allegation #1 against Major Molina was, or could have been, sustained. That topic is addressed below, but I first want to echo one portion of my partner's accompanying memorandum. Specifically, based on my review of the contents of the Internal Affairs file, including the interview summaries of numerous witnesses, of Major Molina herself, and of the affected resident, I do not have any reason to disagree with Police Chief Hudak's conclusion to sustain Allegation #2 on the basis that Major Molina's actions towards the affected resident were, as stated in the Chief's memorandum, "done in a non-courteous, improper form," thereby implicating City of Coral Gables Personnel Rules and Regulations 17.2 and the Police Department's Rules and Regulations 01.09 and 01.03.

As for the decision to sustain Allegation #1, Chief Hudak's memorandum bases that decision on a Fourth Amendment analysis that assumes Major Molina exceeded her legal authority in photographing the resident's telephone screen because the resident had a "reasonable expectation of privacy" in her phone screen and because the photograph therefore amounted to "an illegal search of the cell phone." However, based the facts set out in the IA investigation file, it appears that a court would likely hold otherwise, in these unique circumstances.

First, although not directly factually on-point, the case *United States v. Morgan*, 842 F.3d 1070, 1075 (8<sup>th</sup> Cir. 2016), is instructive here. The *Morgan* court held that an individual "had no reasonable expectation of privacy when he voluntarily displayed his cell-phone screen in the presence of [law enforcement officials]." *Id.* The court went on to explain: "An officer does not violate the Fourth Amendment by viewing evidence from a position he lawfully occupies, remembering it, and using it later. Morgan had no reasonable expectation of privacy in his cell-phone screen once he made it visible to the public by displaying it in the presence of a detective." *Id.* Stated differently, "visual observation is no 'search' at all." *Kyllo v. United States*, 533 U.S. 27, 32 (2001).

The witness interview notes in the IA file indicate that Major Molina and other officers who were standing near or behind Ms. Cruz could see her phone screen, which was being held a typical distance from her body while she was texting. This is quite different than, for example,

the situation in the case cited in Chief Hudak's memorandum, *Smallwood v. State*, 113 So.3d 724 (Fla. 2013), where a phone's contents were actively searched by law enforcement officials after the phone was seized pursuant to an arrest. Here, Major Molina was observing a screen in plain sight.

Major Molina did "zoom in," using her cell phone's camera, to photograph Ms. Cruz's phone screen more clearly. However, it appears from the details set forth in the IA file that Major Molina could clearly see the phone screen's contents (and, indeed, could see that Ms. Cruz was texting particular Commissioners), prior to using her camera's zoom function to take the photographs.

Lastly on the Fourth Amendment question, it is important to note that because the text messages being sent by Ms. Cruz to the Commissioners regarding City business would likely be subject to public disclosure under Florida's Public Records Law, the resident would not have any objectively *reasonable* expectation of privacy in the content of those particular communications, in any event.

For all of these reasons, it is not at all clear that Major Molina conducted "an illegal search" of the resident's cell phone, under these unique circumstances. Indeed, if this issue were being analyzed in the context of a Section 1983 civil rights lawsuit, qualified immunity would likely protect Officer Molina from any finding that she had infringed on the resident's Fourth Amendment rights. See *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982) ("[G]overnment officials performing discretionary functions generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.").

Although not discussed in Chief Hudak's memorandum, a potential alternative basis for sustaining Allegation #1 might be that Officer Molina exceeded her legal authority by unlawfully infringing on the resident's First Amendment rights. A First Amendment chilling effect can occur when a governmental action has the effect of deterring "a person of ordinary firmness" from exercising his or her First Amendment rights. See, e.g., *Constantine v. Rectors & Visitors of George Mason Univ.*, 411 F.3d 474, 500 (4th Cir. 2005); *Washington v. County of Rockland*, 373 F.3d 310, 320 (2d Cir. 2004). Arguably, the simple act of a uniformed police officer photographing one's phone could have a chilling effect on the speech involved in sending the text messages. In addition, Officer Molina admits to later telling the resident to "Stop texting the Commissioners." And it is important to be mindful that "First Amendment standards ... 'must give the benefit of any doubt to protecting rather than stifling speech.'" *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 327 (2010) (internal citation omitted).

Two questions must be answered, however, to determine whether Officer Molina exceeded her legal authority by infringing on the resident's First Amendment rights: (1) Was the underlying speech necessarily protected speech?, and (2) If so, was the protected speech in fact restricted or chilled?

As to the first of those questions, I was not able to locate any published First Amendment case law that involved the specific question of whether the act of sending private text messages, or

other immediate electronic personal messages, to a legislator during the course of a structured public meeting is necessarily always a protected form of speech. In this instance, Officer Molina has stated that she believed at the time (albeit erroneously) that the resident's text messages were possibly a violation of the Florida Sunshine Law and/or a disruptive run-around of the rules governing obtaining a proper speaker's card. Disruptive speakers can, indeed, be silenced under some circumstances during public meetings. However, the use of technology to send a private, electronic message to a Commissioner is less outwardly disruptive to a meeting than audibly speaking out of turn.<sup>1</sup>

Moreover, even without the aid of text message technology, a resident could have spoken privately to a Commissioner in the lobby of the City Hall building during the course of a meeting, if the Commissioner and the resident had both simply left the Commission chambers. The method of more immediate, private text communication afforded by modern cell phone technology would not seem to change the fact that such speech is protected. Indeed, we can be guided in this analysis by the U.S. Supreme Court when it cautioned in *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 326 (2010), that: "We must decline to draw, and then redraw, constitutional lines based on the particular media or technology used to disseminate political speech from a particular speaker."

Assuming, therefore, for the sake of argument, that Ms. Cruz's text communications to the two Commissioners during the meeting were protected speech, the second question is whether her speech was, in fact, interfered with or indirectly chilled. According to the facts set forth in the interviews in the IA file, the resident was not aware of the photographs being taken until after the messages were sent and after that portion of the Commission meeting had come to a break. Later, when the meeting resumed, Officer Molina told the resident to "Stop texting Commissioners"; however, Officer Molina's statement was immediately corrected by a member of the Commission and by the City Attorney, who explained that the resident was free to text the Commissioners during the Commission meeting. It therefore does not appear that this resident's (or anyone else's) future speech could reasonably be chilled in such a situation, where senior City leadership immediately and publicly made clear that residents can, in fact, engage in such speech, and where the resident was told to disregard Major Molina's statement and actions.

In light of all of these considerations, the First Amendment question presented here would seem to involve, at most, a close call in an area without clearly established case law. Accordingly, as with the Fourth Amendment question discussed above, if this issue were being analyzed in the context of a Section 1983 lawsuit, qualified immunity would likely attach because it appears that the officer may have acted based on an objectively reasonable mistake about the relevant law. *See Harlow*, 457 U.S. at 818 (holding that qualified immunity attaches when a

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<sup>1</sup> *See White v. City of Norwalk*, 900 F.2d 1421, 1426 (9th Cir. 1990) ("A speaker may disrupt a Council meeting by speaking too long, by being unduly repetitious, or by extended discussion of irrelevancies. The meeting is disrupted because the Council is prevented from accomplishing its business in a reasonably efficient manner. Indeed, such conduct may interfere with the rights of other speakers."); *Lockett v. City of Grand Prairie*, 2001 WL 285280 at \*5, n.2 (N.D. Texas Mar. 19, 2001) ("Being 'disruptive' ... encompasses any type of conduct that seriously violates rules of procedure that the council has established to govern conduct at its meetings.").

governmental official “does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.”).

# EXHIBIT 3

OFFICER	IA CASE #	COMPLETION DATE	SUMMARY OF ALLEGATIONS	SUSTAINED RULE VIOLATIONS	FINAL ACTION
<b>TERMINATIONS</b>					
<i>Officer</i>	2012IA-011	1/27/2015	Arrested for simple battery (domestic violence related).	01.02 Compliance to Laws, Ordinances, Rules, Policies, Procedures & Directives 01.09 (tt), Code of Ethics 01.09 (vv), Conduct Unbecoming	Termination <i>Returned to work by Arbitrator</i>
<i>Administrative Assistant</i>	06-1A-0006	9/8/2006		City of Coral Gables Personnel Rules and Regulations 10.4.10 City of Coral Gables Personnel Rules and Regulations 10.4.26	Termination
<i>Clerk</i>	04-12 1A	6/4/2004		Breach 9/030.01.12 (2) Insubor .3/010.02	Termination
<b>RESIGNATIONS/RETIREMENTS</b>					
<i>Communication Officer</i>	2010IA-008	11-4-2010	Requested FMLA and was working another job during FMLA leave.	City of Coral Gables Personnel Rules and Regulations 12.4.9 City of Coral Gables Personnel Rules and Regulations 12.11.1.2	Resigned
<i>Officer</i>	07-1A-0004	5/30/2008	While on duty invited a female into the front seat of his marked police vehicle and transported her to a vacant building without proper authorization; gave the female \$40 for sex; while in the building failed to respond to call for assistance. Arrested for solicitation of prostitution.	Departmental Rules and Regulations 9/030.01.05 Departmental Rules and Regulations 9/009.03 Departmental Rules and Regulations 4/001.01 Departmental Rules and Regulations 6/001.03 Florida State Statute 796.07 (2) (b) Florida State Statute 796.07 (2) (d)	Resigned prior to pre-determination hearing
<i>Major</i>	04-16 1A	8/11/2004	Made sexual advances to a subordinate in direct chain of command during a City funded business trip.	SOP 82& 4/001.01 9/030.01.7	Retired as a result of settlement agreement
<i>Sergeant</i>	00-21	10/30/2000		Public Comment 9/026.01 Authority and Accountability 3/002.01 Indiv. Responsibility 13/001.02 Personal Conduct 9/006.06	Retired 12/08/2000.

OFFICER	IA CASE #	COMPLETION DATE	SUMMARY OF ALLEGATIONS	SUSTAINED RULE VIOLATIONS	FINAL ACTION
<b>DEMOTIONS</b>					
<i>Lieutenant</i>	06-IA-0008	10/13/2006	Put in overtime by "tagging" cases worked by the Special Investigations Section, although he provided no substantive involvement in the investigations / failed to follow proper procedure in the disposal of contraband narcotics.	SOP #050 - Evidence and Property - Section II (Q) (2) Departmental Rules and Regulations 4/001.01 Departmental Rules and Regulations 1/009.05.3 Departmental Rules and Regulations 1/008.01.1 Departmental Rules and Regulations 1/008.01.2 Departmental Rules and Regulations 1/008.04 Departmental Rules and Regulations 1/009.05.3 Florida State Statute 893.12 (1) (a) (b) (c) (d)	Demotion <i>Demotion was rescinded as part of a settlement agreement.</i>
<i>Sergeant</i>	05-IA-0010	5/31/2006	Failed to follow proper procedures when he impounded property without filing appropriate paperwork. Items were found hanging on the walls of SID as "trophies."	SOP #050 - Evidence and Property - Section II (B) (1) SOP #050 - Evidence and Property - Section II (C) (4)	Demotion <i>Reduced to a 1-month suspension by an arbitrator and later retired under a settlement agreement. Settlement agreement allowed him to be on administrative leave with pay from February 13, 2008 through September 10, 2009 then he was required to use his accrued leave until January 1, 2010.</i>
<b>LAST CHANCE AGREEMENT</b>					
<i>Officer</i>		7/29/2011	Vehicle accident (traveling 96mph at the point of impact with an 18 wheel tractor/trailer) at time of accident he was not in route to his residence as required by the CBA / prior to this accident he was involved in 4 other accident within 3 years (3 of which were deemed preventable).		Last chance agreement, 3-day suspension & training. <i>Initial recommendation was termination.</i>

OFFICER	IA CASE #	COMPLETION DATE	SUMMARY OF ALLEGATIONS	SUSTAINED RULE VIOLATIONS	FINAL ACTION
<b>15-DAY SUSPENSION</b>					
<i>Lieutenant</i>	2010IA-014	10/7/2011	Involved in an altercation where he was the aggressor and was arrested for battery.	Departmental Rules and Regulations 01.02 Compliance to Laws, Ordinances, Rules, Policies, Procedures and Directives Departmental Rules and Regulations 01.09 (tt), Code of Ethics Departmental Rules and Regulations 01.09 (vv), Conduct Unbecoming Departmental Rules and Regulations 01.09 (xx), Duty to Report Illegality/Unprofessional Conduct of Department Personnel	15-day suspension
<b>10-DAY SUSPENSIONS</b>					
<i>Sergeant</i>	06-1A-0008	10/13/2006	Failed to follow proper procedures in the disposal of narcotics.	SOP #050 - Evidence and Property - Section II (Q) (2) Departmental Rules and Regulations 4/001.01 Florida State Statute 893.12 (1) (a) (b) (c) (d)	10-day suspension <i>Suspension was rescinded as part of settlement agreement.</i>
<i>Officer</i>	03-15 1A	7/7/2003	Insubordination and failed to follow a direct and unmistakable order.	Insubordination 3/010.02	10-day suspension & transferred out of motorcycle unit. <i>Was reduced to a 5-day suspension and transfer rescinded by arbitrator.</i>
<b>7-DAY SUSPENSIONS</b>					
<i>Clerk</i>	02-29 1A	2/7/2003		Insubordination	7-day suspension
<b>5-DAY SUSPENSIONS</b>					
<i>(MPT) Officer</i>	2011IA-003	12/12/2011	Acted as an advocate for a known criminal in a student hearing at UM.	01.09 (ff), Association with Criminals 01.09 (tt), Code of Ethics 01.09 (vv), Conduct Unbecoming	5-day suspension



OFFICER	IA CASE #	COMPLETION DATE	SUMMARY OF ALLEGATIONS	SUSTAINED RULE VIOLATIONS	FINAL ACTION
Detective	20111A-005	1/11/2013	Arrested for a domestic incident.	01.09 (vv), Conduct Unbecoming	5-day suspension Initial recommendation was 10-day suspension it was then reduced to a 5-day suspension (which was deemed served).
Officer	20111A-005	4/27/2012	Arrested for domestic battery.	01.09 (tt), Code of Ethics	5-day suspension and training Reduced to a written counseling in a Settlement Agreement.
Officer	01-09 1A	11-2-2001		01.09 (vv), Conduct Unbecoming Breach Of Duty 9/030.01	5-day suspension
<b>4-DAY SUSPENSION</b>					
Officer	2151A-007	1/19/2017	Provided dispatch with an incorrect starting location upon being dispatched to a call; working an off-duty job at the time of dispatch; did not respond to the dispatched call as an assisting backup officer; extended his tour of duty without advising chain of command; worked more than 32 hours of off-duty details on 5 occasions.	01.09(vv), Conduct Unbecoming SOP#084 - Communications Center and Procedures Section II E (5) 01.02 Compliance to Laws, Ordinances, Rules, Policies, Procedures & Directives 01.08(p), Willful Neglect of Official Duties SOP#047-Uniform Patrol Division Functions and Responsibilities - Section IV E (F) 01-09(vv), Conduct Unbecoming SOP#090- Off-regular -Duty Details & Outside Employment - Section XIV (B)	4-day suspension - 60-day suspension from working off-duty details / removal as FTO and any other specialized units for 1-year.
<b>3-DAY SUSPENSIONS</b>					

OFFICER	IA CASE #	COMPLETION DATE	SUMMARY OF ALLEGATIONS	SUSTAINED RULE VIOLATIONS	FINAL ACTION
<i>Officer</i>	2015A-003	3/2/2016	Used his assigned City police vehicle to drive to Camp Blanding Military Base in Stark, Florida while on Military Leave.	SOP #002-Departmental Vehicles - Section I (F)  SOP #002-Departmental Vehicles - Section IV (A)  SOP #002-Departmental Vehicles - Section IV (J)	3-day suspension/ 6 months loss of use of police vehicle - 6 months off S.W.A.T.  <i>Was later settled and reduced to a 1-day suspension and placed back on S.W.A.T.</i>
<i>Officer</i>	2015A-005	10/21/2015	Unauthorized use of the DAVID system. Queried a fellow employee utilizing the DAVID database on 3 separate dates.	01.02 Compliance to Laws, Ordinances, Rules, Policies, Procedures & Directives  SOP# 110-Mobile Data Computer (MDC) System Section IV (A) (B)	3-day suspension
<i>Officer</i>	05-1A-0006	4/8/2005	Placed a makeshift plaque on the doorstep of a sergeant's residence to harass and ridicule employee.	Departmental Rules and Regulations 9/030.01.05	3-day suspension
<i>Officer</i>	01-09 1A	11/2/2001		Breach Of Duty 9/030.01	3-day suspension
<i>LMPD Officer</i>	00-16	6/26/2000		Insubordination 3/010.02  Breach of Duty 9/030.01.06	3-day suspension
<b>1-DAY SUSPENSIONS</b>					
<i>Detective</i>	2015A-006	2/24/2016	Unauthorized use of DAVID when he searched various employee names.	01.02 Compliance to Laws, Ordinances, Rules, Policies, Procedures & Directives	1-day suspension
<i>Officer</i>	2012A-005	7/30/2012	Misuse of DAVID (ran Pam Bondi's name through DAVID).	SOP# 10-Mobile Data Computer 9(MDC) System Section IV (A) (B)	1-day suspension
<i>Sergeant</i>	2010A-012	4/18/2011	Initiated contact with a witness in a criminal case identifying himself as a private investigator.	SOP #090 - Off-Regular-Duty Details & Outside Employment- Section XV (A) (1) (d)	1-day suspension
<i>Officer</i>	09-1A-0006	12/31/2009		01.09 (uu), Personal/Private Business	1-day suspension

OFFICER	IA CASE #	COMPLETION DATE	SUMMARY OF ALLEGATIONS	SUSTAINED RULE VIOLATIONS	FINAL ACTION
<i>Sergeant</i>	08-1A-0008	2/9/2009	Suspect in a misdemeanor battery (domestic in nature).	Departmental Rules and Regulations 01.09 (vv), Conduct Unbecoming	1-day suspension/training
<i>Major</i>	08-1A-0004	6/9/2008		Departmental Rules and Regulations 3/004.01 City of Coral Gables Purchasing Card SOP (P-Card) - Section IV (B) (2) Departmental Rules and Regulations 3/002.01	1-day suspension
<i>Communications Operator</i>	00-01	3/20/2000		Hours of Duty Adm. Statements	Suspension (days not specified)
<i>Sergeant</i>	00-05	3/17/2000		Violation SOP #109 Insub. 3-010.02	Suspension (days not specified)
<b>OTHER DISCIPLINES WITH FINANCIAL IMPACT</b>					
<i>Officer</i>	2016IA-006	2/8/2017	Arrested for domestic battery.	01-99(vv), Conduct Unbecoming	Removal from the Crisis Negotiating Team (loss of \$75 bi-weekly pay), reassignment to the Uniform Patrol Division from Detective Unit (loss of 5% pay) & mandatory counseling ( <i>Union has requested Arbitration</i> ) <b>Initial recommendation was termination.</b>
<i>Officer</i>	2010IA-009	12/7/2010		SOP#084 - Communications Center and Procedures Section II (E) (4) (5)	Suspended from working off-duty for 30 consecutive days.
<i>Officer</i>	04-11 IA	5/17/2004	Failed to follow proper procedures in regards to off-duty employment at residential community	SOP #090 S's IV & VII 9/030.01.12	Ltr of Rep. / 2 weeks no off-duty.

OFFICER	IA CASE #	COMPLETION DATE	SUMMARY OF ALLEGATIONS	SUSTAINED RULE VIOLATIONS	FINAL ACTION
Chief	03-03 SI	3/5/2003		A/D Breach of Duty	Transfer (allowed to resign and reassigned to a special projects position from February 28, 2003 through May 1, 2004).
<b>WRITTEN REPRIMANDS &amp; WARNINGS</b>					
Sergeant	2016IA-009	3/9/2017	Asked complainant to apologize for her behavior during a traffic stop.	01.09(a), Courtesy	Written Counseling
LAMPD Sergeant	2014IA-001	12/12/2014	Made a comment to a fellow officer that she was on Oxycodone that was heard by a patron.	UM Disciplinary / Professional Conduct Policy B025(18)	Written Warning
Sergeant	2014IA-005	10/24/2014	Failed to properly secure a house as a crime scene.	01.10(a), Supervisory Accountability SOP#047-Uniform Patrol division Functions and Responsibilities - Section XI (A) (1) (2) (3) (c) (f) SOP#061-Sexual Battery Investigations- Section II (B) (5)	Written Reprimand
Officer		2/5/2013	Refusing to obey a direct order and insubordination.		Written reprimand <i>(Originally a 2-day suspension that was reduced to a written reprimand by arbitrator)</i>
Detective	2012-1A-007	10/25/2012	Failed to complete a Prisoner Personal Property Receipt and stored arrestee's property in desk.	SOP#037-Arrest Procedures - Section XIV (G) (i)	Written Counseling
Motor	CGPD#11-001675	10/220/2011	Subordinates initiated and engaged in an unauthorized vehicle pursuit. A sergeant completed an After Action Report that misrepresented the facts and misapplied relevant procedure and major signed the report.	SOP#050 - Property & Evidence Management -Section VI (A) (I) Departmental Rules and Regulations 01.03 Personal Accountability and Authority and 1.10 Supervisor Responsibilities	Written Reprimand <b>Initial Recommendation was Termination</b>
Officer	2011IA-007	9/7/2011	Was involved in a motor vehicle crash while driving a City vehicle and failed to report the accident.	01.08 (s), Failure to Report a Motor Vehicle Crash	Written Counseling

OFFICER	IA CASE #	COMPLETION DATE	SUMMARY OF ALLEGATIONS	SUSTAINED RULE VIOLATIONS	FINAL ACTION
Officer	2010IA-001	6/11/2010	Failed to respond to court subpoena and did not check out on the radio.	SOP #84 - Communications Center and Procedures - Section II ( E ) ( 4 )	Written Reprimand
Detective	2010IA-003	4/21/2010	Off-duty issues.	01.08 (b) . Tardiness SOP #090 - Off-Regular-Duty Details & Outside Employment- Section II ( A ) SOP #090 - Off-Regular-Duty Details & Outside Employment- Section II ( H )	Written Reprimand
Officer	2010IA-010	11/22/2010	Using his assigned police vehicle in Coral Springs without authorization/attended training that was not authorized.	SOP #002-Departmental Vehicles - Section I ( F ) SOP #072-Training Process - Section XV ( C )	Written Reprimand
Officer	09-1A-0002	12/11/2009	Stopping complainant and removing her from the vehicle outside the boundaries of the City.	SOP #046-Crisis Management Team - Section III ( D ) ( 1 ) ( a ) Directive 06-05 - Enforcement Action Outside The City	Written Reprimand
Civilian Employee	09-1A-0008	3/12/2010	Requested that a detective conduct a computer search for information on an individual	01.09 (m). Release of Information 01.09 (bb), Dissemination of Information City of Coral Gables Personnel Rules and Regulations 10.4.6	Written Reprimand
Major	08-1A-0005	1/7/2009	Submitted false and misleading affidavit in a proceeding involving 2 employees.	Departmental Rules and Regulations 01.03 Personal Accountability and Authority	Written Reprimand
Officer	08-1A-0010	3/2/2009	Complainant was not in seat belt upon being transported.	SOP #037 - Arrest Procedures - Section XV ( D ) ( 3 ) ( a )	Written Reprimand
Detective	08-1A-0011	3/4/2009	Failed to request a supervisor to respond to the scene in accordance with policy.	SOP #037 - Arrest Procedures - Section XV ( A ) ( 4 ) ( a ) ( b ) ( c )	Written Reprimand
Officer	08-1A-0012	3/29/2009	Downloaded unauthorized software to his assigned Mobile Data Computer; manipulated MDC to access his personal internet website; has an outside employment company which lists CGPD's station as the principle address; does not have outside employment form and affidavit on file.	Departmental Rules and Regulations 01.09 (j). Correspondence SOP #110 -Mobile Data Computer System - Section II ( D ) ( 2 ) SOP #110 -Mobile Data Computer System- Section II ( D ) ( 3 ) SOP #090 - Off-Regular-Duty Details & Outside Employment- Section XV ( C ) ( 1 )	Written Reprimand
				SOP #110 -Mobile Data Computer System - Section IV ( A )	

OFFICER	IA CASE #	COMPLETION DATE	SUMMARY OF ALLEGATIONS	SUSTAINED RULE VIOLATIONS	FINAL ACTION
Major	08-IA-0013	4/29/2009	Authorized a sergeant to charge the CID luncheon food on a P-Card.	Departmental Rules and Regulations 01.03 Personal Accountability and Authority	Written Reprimand
Officer	07-IA-0010	2/5/2008	Conducted a traffic stop outside of CG and issued a citation that was not consigned by the appropriate jurisdictional authority.	Directive 06-05 - Enforcement Action Outside The City Department Rules and Regulations 3/004.01	Written Reprimand
Officer	07-IA-0012	5/30/2008	Placed his Taser near the complainant groin area while he was handcuffed and used it as a tool of coercion in an attempt to make him talk.	SOP #029 - Response to Resistance - Section V (H)	Written Counseling
Detective	06-IA-0002	5/23/2006	Kept a written log of misconduct by a sergeant without bringing the issues to the attention of appropriate supervisors.	Departmental Rules and Regulations 9/006.04	Written Reprimand
Officer	06-IA-0012	2/1/2007	Failed to notify the Communications Center of the request for assistance and his subsequent activities.	SOP #084 - Communications Center and Procedures - Section II ( E ) ( 4 )	Written Counseling
Sergeant	05-IA-0001	8/31/2006		Departmental Rules and Regulations 4/001.01 Departmental Rules and Regulations 3/005.05	Written Reprimand
Lieutenant	05-IA-0003	9/12/2015		Departmental Rules and Regulations 1/009.05.3	Written Reprimand
Comm. Operator	05-IA-0007	5/24/2005		Departmental Rules and Regulations 3/001.03 SOP #109 -Computer Network - Section II (A) ( 1 ) SOP #109 -Computer Network - Section III (C)	Written Reprimand
Sergeant	05-IA-0015	4/13/2006	Stopped complainant for a traffic violation outside of jurisdiction without notifying communications and used profanity.	Department Rules and Regulations 9/006.02 SOP #057 - Traffic Enforcement - Section I (B) (4) Personal Conduct 9/006.06	Written Reprimand
Technical Services Division	03-19 PC	9/8/2003			Written Reprimand
Chief	02-21 SI	10/7/2002	Unintentional discharge of firearm at LA Fitness.	A/D Breach of Duty	Letter of Reprimand
Officer	02-08 PC	6/24/2002		3-010.01 & 02 9-009.03	Written Reprimand

OFFICER	IA CASE #	COMPLETION DATE	SUMMARY OF ALLEGATIONS	SUSTAINED RULE VIOLATIONS	FINAL ACTION
Comm. Opr.	00-02	2/22/2000		Breach of Duty 9/030.01.19	Written Reprimand
Records Clerk	00-11	Unknown	Was informed by supervisor that food on table was not for Records Section personnel and she proceeded to eat food.	Insubordination 3/010.02	Written Reprimand
<b>VERBAL/ORAL COUNSELING</b>					
Officer	20141A-006	2/23/2015	Failed to respond to a court subpoena.	01.08(c), Duty to Respond to Subpoena	Counseled
Motor	20101A-013	2/6/2012	Using the Coral Gables Police Department to facilitate ability to carry a gun on an aircraft while traveling to away UM football games where major is security personnel for the team and head coach.	Departmental Rules and Regulations 01.03 Personal Accountability and Authority	Verbal Counseling <i>Initial recommendation was termination.</i>
Officer	20101A-002	5/11/2010	Sleeping on duty.	01.08 (1), Disregarding Job Duties by Neglect	Verbal Counseling
Officer	05-1A-0016	12/22/2005		Departmental Rules and Regulations 9/009.03	Corrective Interview
Officer	03-02 1A	4/22/2003		Departmental Rules and Regulations 9/030.01.4	Verbal Reprimand
Officer	04-141A	8/11/2004	Failed to follow proper procedures after discharging Taser.	Conform Gen Orders breach of duty	Verbal Reprimand
Officer	03-20 1A	9/9/2003		SOP #38 - Departmental Weapons	Oral Reprimand
Officer	02-10 PC	5/2/2002		Breach of Duty 9/030.01.12	Oral Reprimand
Communication Operator	00-06	3/24/2000	Engaged in irrelevant and unnecessary conversation over the radio.	Information	Corrective Interview
Officer	00-08	3/3/2000		Violation SOP #084	Verbal Reprimand
Officer	00-36	8/20/2000		Violation SOP #02 1-W	Verbal Counseling
Officer	00-04	3/3/2000	Document redacted.	Sleeping on Duty 9/012.01	Verbal Reprimand
				Violation SOP #084	Counseling (not specified whether written or verbal)

OFFICER	IA CASE #	COMPLETION DATE	SUMMARY OF ALLEGATIONS	SUSTAINED RULE VIOLATIONS	FINAL ACTION
Officer	00-04	3/3/2000		Violation SOP #084	Counseling (not specified whether written or verbal)
<b>RETRAINING</b>					
Officer	20131A-001	8/12/2013	Wrote on tow sheet of the complainant "misc. dents/scratches" when no such scratches existed.	SOP#037-Arrest Procedures - Section XIV (G) (i)	Retraining
Officer	09-SI-0001	8/17/2009	During training discharged firearm into the ground.	SOP #038 Section II (A) (1) (2)	Remedial Training
Officer	08-SI-0001	6/19/2008	Accidental discharge.	Accidental Discharge	Retraining