

City of Coral Gables City Commission Meeting
Virtual Meeting
Agenda Item G-1
July 14, 2020
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Vince Lago
Commissioner Jorge Fors, Jr.
Commissioner Pat Keon
Commissioner Michael Mena

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Billy Urquia

Public Speaker(s)

Robert Martinez, Investigator (Former U.S. Attorney for the Southern District of Florida)
Ben Quiney, Representing Former City Manager Cathy Swanson Rivenbark

Agenda Item G-1 [Time Certain 11:00 a.m.]

Presentation by Robert Martinez on the outcome of the anonymous letter investigation
(Sponsored by Vice Mayor Lago)

Mayor Valdes-Fauli: Time certain 11 a.m., presentation by Robert Martinez. Item G-1.

Vice Mayor Lago: Madam City Attorney, would you be so kind to get us started on this item, and I'd also like to make sure that Mr. Martinez is here. I know we ran over some time.

City Attorney Ramos: Mr. Martinez was present earlier. I'm assuming he's still here. I'll kick it off to Mr. Martinez. Billy, Vice Mayor just wanted him to present quickly, a brief summary of the findings of the report. So, with that, I'll turn it over to Mr. Martinez.

Vice Mayor Lago: And then I'll give some comments, that I'd like to reserve some comments after, and then obviously, have some comments from my fellow colleagues on the Commission.

Thank you.
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Mr. Martinez: Thank you. Mr. Mayor, Commissioners, City Attorney, City Clerk, thank you for the opportunity to present. I was engaged on June 15, 2018 by the City of Coral Gables. The purpose was to conduct an investigation surrounding the anonymous letter relating to a pool party that took place in August 2017, attended by the Chief of Police. The purpose of the investigation was to determine, if at all possible, who authored or who sent to the City of Coral Gables a two-page anonymous letter, dated July 31, 2017, that was addressed to the attention of the City Manager Cathy Swanson Rivenbark, along with an enclosed video, a thumb drive and a photo. And I'll refer to that as the "anonymous complaint letter," that's in July of 2017. The investigation was subsequently expanded at my request, with the authorization of the City of Coral Gables, to determine, again, if at all possible, who author was sent an unsigned letter, dated November 20, 2017, addressed to Cathy Swanson Rivenbark. Requesting her to look into some allegations, we have heard, this is a quote about Chief Ed Hudak. I'll refer to that as "the anonymous November letter," it's the one in November 2017. I am a lawyer and not a trained investigator, as such, so I have background and experience in law enforcement and also in the private sector over the last 40 years, conducting an investigation, but I thought the best way to proceed was to engage the services of a trained investigator. And I engaged the services of Cedrick Johnson, his curriculum is attached to Tab 1 to my report. Mr. Johnson is a former supervisory special agent with the Office of the Inspector General of Miami-Dade County. He was highly recommended to me by somebody I know very well, the former Inspector General of Miami-Dade County, that gentleman's name is Chris Mazilla, he's a former FBI agent with whom I worked with many years ago when I was at the U.S. Attorney's Office. Mr. Johnson made a report and its attached as Tab 2 of my report. What Mr. Johnson did is, he looked, by the way, I think its important to say that before we got engaged there were two investigations that had been ongoing. One was being conducted by Transparency Matters, they were engaged in September 2017, and they were engaged to look at allegations in connection with the July letter, and the report from Transparency is attached as a Tab H to Mr. Johnson's timeline. And there was also an investigation that began in November 2017 by the Internal Affairs of the City to look to see whether any police officers or employees had violated social media policy, etc. We were not involved in those investigations and we did not want to duplicate those investigations. What Mr. Johnson did is, he contacted both Transparency, Major Charles Skucus, and he also spoke with the commanders of Internal Affairs Division Police Department. He also looked at a number of reports, a number of documents, a number of files for the city, and he interviewed one of the police officers, a former police officer of the City of Coral Gables. And Mr. Johnson, as a result of his work, he was unable to determine the identity author or sender of the two anonymous letters, he was unable to do so. So, his recommendation and with my consent and with the authorization of the City of Coral Gables, engaged the services of a forensic document analyst. His name is Eric Speckin, and he is with Speckin Forensic, and his report is attached at Tab 4 to my report and his CD is also attached and its Tab 3 to my report. Mr. Speckin and Mr. Johnson are both in this Zoom conversation, so if you have some questions of their work, they can be consulted, and they can answer them. Mr. Speckin was given to access to both letters and he conducted his own examination, and what he concluded was that he was unable to determine who authored or sent the letters as such, but the result of his investigation was that,

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according to standards in his profession, that he believes, his professional opinion with a high degree of probability that the former City Manager, Ms. Swanson Rivenbark wrote the address, the address that appears on the envelope of the November letter, the anonymous November letter. He performed a number of examinations different types on the documents, and the documents by the way, are attached, the two letters are attached as Exhibits A and B to Tab 4 to the forensic report. They conducted a visual examination, visual handwriting examination, an electronic examination, fingerprinting, DNA analysis, and he also conducted computer discovery analysis of laptop previously used by the City Manager. And what he concluded is what I stated that it was in his professional opinion with a high degree of probability and that's the term of art in his profession, that the former City Manager wrote the address that appears on the envelope of the anonymous November letter. Now as a matter of completeness and fairness, what I did is, I contacted Mr. Ben Quiney, I reached out to him on October 11, 2019, to let Mr. Quiney know, Mr. Quiney is the attorney representing the former City Manager, last I circulated to the City Attorney who I believe circulated to the Commissioners and the Mayor, all of my email exchanges with Mr. Quiney. And you can see there from the first one that I initiated my contact with Mr. Quiney on October 11, 2019, asking for the opportunity to interview the former City Manager. As a result of that, Mr. Quiney, he was in trial at that time, Mr. Quiney requested to look at the report, a draft report of Mr. Speckin, and he also requested an opportunity to engage his own handwriting forensic examiner. And we provided him with all of those requests, and he engaged the services of a forensic document examiner, and that document examiner did a report, and you will find attached to my report on Tab 5; Tab 5 is a letter from Mr. Quiney, dated July, excuse me, November 6, 2019; and then you will find attached as Tab 6 to my report, the forensic report conducted by Hart and Flores, a Question Document Laboratory. And what Mr. Quiney's expert examiner concluded was that in her professional opinion Mr. Swanson Rivenbark very probably did not write the address that appears on the envelope of the November letter, anonymous November letter. Mr. Quiney made it also very clear Ms. Swanson Rivenbark's statement, which is also included in my submission to you that she has quote, she was not the author of either letter, did not prepare or address either letter and did not cause either letter to be mailed or delivered to the City of Coral Gables. All that's included in my report. So that's the extent of the work that we did, that's the best that we can come up with in order to determine who authored or sent these two letters. Mr. Johnson and Mr. Speckin should be in the waiting room here of the Zoom, so if you have any questions specific to the work that they performed, hopefully they'll be able to answer your questions.

Mayor Valdes-Fauli: Thank you very much Mr. Martinez. Comments, questions from members of the Commission?

Vice Mayor Lago: Yes Mayor, thank you. I'd just like to be very brief and give some comments in regard to what has transpired over the last few years. Over the last few years, it was almost two years ago on June 15, 2018 that an esteemed former United States Attorney for the Southern District of Florida, Roberto Martinez of the law firm Colson Hicks, who just presented his findings,

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was engaged by the City of Coral Gables at the direction of the City Commission to conduct an independent investigation surrounding the anonymous letters, the letter related to a pool party that took place on August 2017, that Chief Hudak attended. The intent of the investigation was to, if possible, determine who authored or sent a two-page anonymous letter dated July 31, 2017, addressed to then City Manager, along with an enclosed video thumb drive and an anonymous complaint letter. The investigation was subsequently expanded at the request of Mr. Martinez, as he mentioned, with the authorization of the City, to determine who authored the unsigned letter dated November 20, 2017, addressed to the City Manager at the time. Requesting her to look into some allegations we have heard about the Chief in the anonymous letter. Let me tell you why I sponsored this item on the agenda today. It is to finally have closure to this long-discussed topic that has brought a great amount of distress to the female police officers who are simply attendees at a family-friendly pool party, and as a result were targeted by the media and unfortunately were collateral damage to advance the political agenda of certain individuals. This discussion is not intended to damage the professional career of the individuals who are involved in this matter, but to support these female officers who were humiliated. Exceptionally professional women who worked hard, work hard every single day to protect our city, and I'm beyond disheartened that they were collateral damage, as I mentioned before. It has never been easy for women to distinguish themselves among their male counterparts and it is especially challenging for female police officers to build their careers in a long time male dominated workforce. I believe the city should formally apologize and make sure that this type of behavior is never tolerated under our watch or future Commission's watch. And I want to add, because again this is not about me, or this Commission, but I think we need to be very clear and I think we send a very strong message that these type of anonymous character assassination letters are unacceptable and that we will do everything in our power as a Commission to not only protect the employees of the city, but to protect the Commission and protect people who are the target of these type of letters. I will be honest with you, I received before and some of you have been copied in regard to the anonymous letters that I have received. The intent is solely to destroy myself, my family or to destroy the people who are at the receiving end of these anonymous letters, and it is tragic, its tragic and we can do so much better as a community. The reason many people have asked me, why are you putting it now, because I know that we are waiting for one more document that Chief Hudak is working on, and I want to get an update from him in regards to when is the pending I.A. investigation is going to come to a conclusion. I hope soon. But I'll tell you why I put this on the agenda today. I put this on the agenda because every Sunday I have the privilege of going to breakfast with my father and my two young girls, who are 9 and 5, and three weeks ago, as we sat in breakfast, two female officers were at a table away from us. And I had the pleasure of talking with them and we started discussing one of the officers was one of the 14 officers that were involved on that day. And when I went back to the table and I sat down with my two daughters, my oldest one who is sharp, I think too sharp for her age, she is 9, asked me, what were those officers talking about? - what was the conversation about? And I found myself in a position having to explain to a 9-year-old what these women have gone through. And my daughter looked at me and told me, that's just wrong and its unacceptable. That is the reason why we are discussing that

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today, because today its these 14 women police officers who every single day when we go to bed protect us at night. Tomorrow it could be one of us, as I mentioned in the past. So, I think the city should formally apologize and if the city doesn't want to apologize, I will formally apologize as a representative of this Commission, because even though we have the findings are very clear, its not about the previous City Manager, its not about the Police Chief, its about these 14 female officers and I ask for your support today. Thank you.

Mayor Valdes-Fauli: Thank you. Any other comments from members of the Commission?

Commissioner Keon: I think reintroducing this entire issue put their picture back in the Miami Herald, so if the intent was to not embarrass them again, that wasn't achieved. And you know, why this continues to go on and it should die both for the sake of these women, the Chief of Police, and for the former City Manager. And the only reason that you do this, and you go after this is with the intention of retaliation, and it has no place in government, retaliating has no...[Inaudible]...not at all. So, I think that I would not choose to have my picture in a bikini on the front, inside or on the front page or any place within the Miami Herald. The issue is someone that was at that party made that picture available to somebody else. So, its not something you have to apologize for, what you do have to express is a feeling of sympathy for them, because it was embarrassing, it was embarrassing. And I have great sympathy for them. This all went through a long process and a lot this – you know what, it was over, it was solved, the Manager moved on. Continually, continually to harm her reputation and to go out against her, at the time I said it was death by a thousand cuts. This is like a thousand and one. Why? Why? Why would we retaliate? Why would we bother? Why wouldn't we just move on to accept what happened was not a good thing. We have great sympathy for those female officers. Personally, I've never received an anonymous letter while I've been in office, so I can't comment on that, because I never have. But I really think that this is an issue that is over, its done, the officers have gone back to work. One of them has resigned, and the Manager has attempted to move on with her life and her career and doesn't need to have this continuous brought back up. So, I really hope that this ends it.

Mayor Valdes-Fauli: Commissioner Keon, I share your thought that I do hope this ends, but a lot of what happened, and I vehemently disagree with you that this is retaliation. There was a lot that happened there that should have been and was investigated. Spending \$50,000 and an investigator to report what happened. The investigator giving a clean bill of health and then our former City Manager writing a 60-page condemnatory report and anonymous letters. I agree with you that we should get past this and get over it, but I think this investigation was nothing at all to do with retaliation and if it is retaliation for whoever it is being retaliated against, upon himself or herself. I agree with you that we should get past this, put this very sad episode behind us, its sad unnecessary episode behind us, this sad and unnecessary and was it retaliatory on the part of our former City Manager? – I don't know. But I do agree with you that we should continue and get past this and get over it. Anybody else wants to make a comment?

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Commissioner Mena: I'll be brief. I'm ready to move on as well, but I want to make something clear, which is, we voted years ago now, to proceed with the investigation. The idea that this is now being brought up again is a little bit off point. We voted for an investigation, the results just came in, those results are public record and that's what's being discussed. This is not something that's been brought up anew now. It is the result of the investigation we voted on years ago. I would also add, it wasn't an investigation into anybody. It was an investigation into the anonymous letters, resulted in any number of results or no results. I think that the results that are set forth in the report speak for themselves, I have nothing to add to them. I can't add anything to them, because I didn't investigate it. But we received a report; we have one expert saying A; you have another expert saying B, it says what it says. But it wasn't an investigation into anybody specific, and the fact that one of the experts reached a certain conclusion, none of us had any idea what that conclusion was going to be or not be. So, I just want to be careful with how that's phrased. I think its important. We now have that information, and yes, I would like us to move forward, but I think its important to clarify that.

Mayor Valdes-Fauli: Thank you. I think we should hear from the Chief of Police now, who is the person most intimately involved with this.

Vice Mayor Lago: I think Commissioner Fors had a comment to make.

Commissioner Fors: I'll just sneak it in so I can let Chief Hudak have the last word Mayor. I wasn't on the Commission when this all went down. My view was just like that of all the other residents reading about it in the paper. Obviously, I think its necessary to flesh out the results, not flesh out, but bring back the results of this investigation that we commissioned, but I also look forward now that we've done that to moving forward from it. And finally, we discussed the cost associated with this investigation and what costs were incurred in terms of these forensic experts, as well as the investigator, but I also want to take the opportunity to thank Mr. Bob Martinez for providing his services pro bono and then we thank you for that.

Mayor Valdes-Fauli: Okay. Thank you very much. I would like to hear from the Chief of Police and then the former City Manager's attorney wishes to speak. Chief you're on.

Chief Hudak: Mr. Mayor, members of the Commission. As I've told you all before, the picture and I are going to go down in the annuls together. The 14 women that work for me, again, are inextricably tied to me and that. As I've said to you publicly before, I'm going to say to you again too, in my judgement at the time to support the officers under my command, I did it and I would do it again, understanding the sensitivity of some of those issues. I don't want anybody to leave this meeting to think that this investigation for the officers involved is over yet, because the Internal Affairs section is continuing to look at how, in fact, that issue and the other issue came to Mr. Martinez. On Mr. Martinez' investigation, I have not seen it, I have no intention of seeing it. It's the way I can stay apart from that. I think the investigation stands on its own merits with input from both sides. That being said, its unnerving for my family and the officers, to obviously, relive this again. For me, not so much, because I understand that's part of my job, that's part of my

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responsibility and the position that I am in. We are not over yet. I understand everybody's concern for the officers. Its goes along with what I've said earlier about the constant attacks and if there was a perfect storm in 2020, it just seems to keep coming back around. Where we are at and to answer Vice Mayor Lago's questions on that, I believe we are about three months away, because of some of the issues that we found with the processing of the Internal Affairs case. Remember, and I'll just remind everybody for those Commissioners that weren't there, the original issue was brought to light to administration and sat for fourteen months before we even started the Internal Affairs process on that. So, we are trying to play catch-up. Its also bringing in many different aspects of the investigation. The Skurkis investigation, now obviously the Martinez investigation, will all be consolidated to look at who from within the department started the information. We know that certain incidents that were on the second letter came from officers within the department. We know that already. But as we put that all together, I believe we are about three months, Internal Affairs, Commander Gonzalez, who was brought in by me, has reached out to the FOP, talked to the women. We know they understand that the female officers have additional investigations or statements that have to be taken because they were not taken previously. So, we are fixing those, we are plugging those holes, and we are going to go forward. So, there is going to be another report, it doesn't necessarily have to be a public report. It will be handled internally, but again, I appreciate the sentiments on both sides, however, we are not done yet, because we have to look at this. It's a slow process. I don't think anybody here is independently responsible for that, but understand every time the picture comes up again, I'm okay with it, because its about me, my family, not so much, and definitely those officers who were just out of place and doing what we want all our officers to do, especially in times like a pandemic and protest to be supportive of one another. So, with that, we 'll do this again, we'll finish our investigation within the next three months internally.

Mayor Valdes-Fauli: Thank you Chief.

Vice Mayor Lago: Thank you Chief.

Mayor Valdes-Fauli: And now Mr. Quiney, do you want to say a few words?

Mr. Quiney: Thank you Mayor and Commissioners and staff. My name is Ben Quiney, I'm a City of Miami resident and currently represent former City Manager Cathy Swanson Rivenbark. I direct the Commission and the Mayor's attention to my letter sent to the City Attorney Miriam Ramos on July 12, 2020, in advance of this meeting. And I urge the Commissioners to fully consider the matters reported therein. As an introductory point, I want to reaffirm for everyone that Manager Swanson Rivenbark has always been proud of the diversity of the law enforcement and public safety function of the City of Coral Gables and was honored in all respects to observe the City of Coral Gables for so long and appreciates the dedication of all of the law enforcement of public service officers, especially those who promote and enhance the diversity of the City of Coral Gables staff. With regard to the matter on the current agenda, it is very clear that the purpose for which the inquiry was made, that of determining the author of the anonymous pool party letter,

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has been completely resolved to conclude, there is no information that suggests Ms. Swanson Rivenbark was in any way involved with that pool party letter and in fact, there is a complete inconclusive determination as to that. We believe the report should end at that point, because the remainder of the report that unfairly, inaccurately and falsely casts former City Manager Swanson Rivenbark in a false light. Let me be clear, she has said to the city, she has said to every person involved in this inquiry, she had no involvement whatsoever in the anonymous letters. But the report concludes differently and we believe inaccurately and falsely with regard to a completely separate, unaffiliated anonymous letter, known as the “November anonymous letter,” an item that was not the reason for this report, although amended and certainly given the context of the Commissioner’s spoken on this purpose for the report is not any aspect of what is or should be before this Commission, which is, a clearing to provide protection from embarrassment and humiliation of the law enforcement officers who have faithfully served and continue to faithfully serve this city. We ask in an abundance of fairness and based on the facts as underscored by a handwriting forensic examination report from a nationally recognized handwriting examiner, who actually is from South Florida, Diane Flores of Hart Flores Question Documents Laboratory that analyzed and concluded conclusively that Ms. Swanson Rivenbark did not, I repeat, did not have any involvement in the later unrelated November anonymous letter. The report, the resolution of this matter should end with the pool party inquiry. Any further discussion, elaboration, suggestion that Ms. Swanson Rivenbark engaged in any unauthorized conduct is scandalous, its defamatory, and as she has fairly dedicated her life to the City of Coral Gables during early parts of her career and later parts of her career, and has an outstanding reputation as a City Manager and City Professional, she should not have her city of residence and her long time city take any action, make any statements, that unfairly, inaccurately impugn her professionalism, her integrity and damage her reputation going forward. And as I have pointed out in the letter, Ms. Swanson Rivenbark, as is consistent with her termination of tenure with the city has remained cooperative with the city in every respect and to the extent that the city or any city document or report unfairly casts aspersions or claims against her, the city is fully responsible for that, and the city, if she requests, is responsible for her effort to defend herself in this regard. In conclusion, thank you for the opportunity to speak on behalf of Ms. Swanson Rivenbark and I do want to emphasize to the city that we believe this matter is concluded and with regard to the reason for the inquiry, the record should be very clear, Ms. Swanson Rivenbark was not involved in the pool party letter and to reiterate, she has not had any involvement in, with, or on behalf of or arising from the November anonymous letter. Thank you.

Mayor Valdes-Fauli: Thank you Mr. Quiney. Thank you very much. Back to the Commission – any comments from the Commission? I think that this is something that we should put behind us. The investigation has been conducted, whether its conclusive or not, that’s for us to opine, I mean for us to have our own thoughts, but it would be very constructive if we put this behind us. Comments? Alright. We will proceed to the next item. Thank you very much.

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