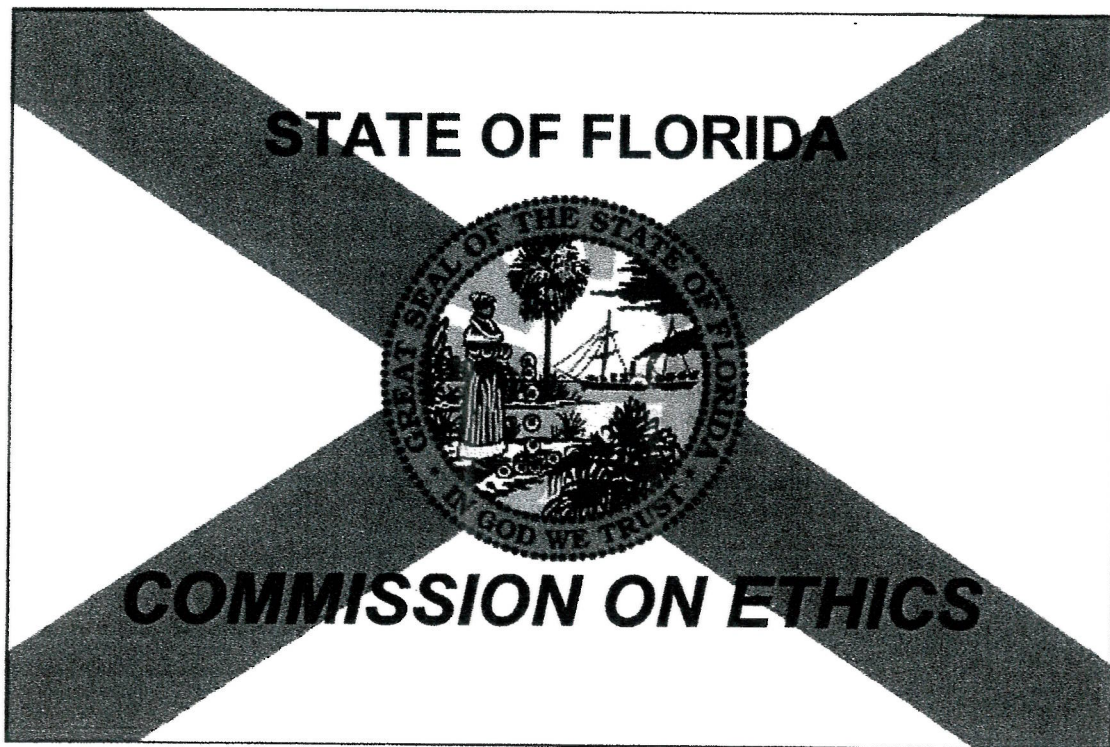


REPORT OF INVESTIGATION



Complaint Number 15-001R

NOTICE CONCERNING CONFIDENTIALITY

This report of investigation concerns an alleged violation of Chapter 112, Part III, Florida Statutes, or other breach of public trust under provisions of Article II, Section 8, Florida Constitution. The Report and any exhibits may be confidential (exempt from the public records law) pursuant to Section 112.324, Florida Statutes, and Chapter 34-5, F.A.C., the rules of the Commission on Ethics. Unless the Respondent has waived the confidentiality in writing, this report will remain confidential until one of the following occurs: (1) the complaint is dismissed by the Commission; (2) the Commission finds sufficient evidence to order a public hearing; or (3) the Commission orders a public report as a final disposition of the matter.


STATE OF FLORIDA
COMMISSION ON ETHICS
Post Office Drawer 15709
Tallahassee, Florida 32317-5709

REPORT OF INVESTIGATION

TITLE: BRIAN BARROSO
Member of the Board of Directors
Florida Keys Aqueduct Authority
Key West, Florida

COMPLAINT NO.: 15-001R
Exhibit A

INVESTIGATED BY:


K. Travis Wade

Distribution: Commission on Ethics
Respondent
Advocate
File

Releasing Authority:


Executive Director

7/7/15
Date

* * * *

**REPORT OF INVESTIGATION
COMPLAINT NO. 15-001R**

(1) This matter was referred to the Commission on Ethics by Catherine Vogel, State Attorney, Sixteenth Judicial Circuit, who alleges that Brian Barroso, while serving as a member of the Florida Keys Aqueduct Authority (FKAA) Board of Directors, may have violated the Code of Ethics for Public Officers and Employees.

(2) The referral includes an anonymous complaint (page 8 of the complaint) to the State Attorney claiming the Respondent used his public position to create a new position at the Authority and influenced management to hire his sister, Christy Martin, into the position of "Assistant to the Internal Compliance Auditor." The anonymous complaint in the referral states that the Respondent's sister was hired rather than "much more qualified people." The anonymous complaint further alleges that the Respondent's sister was promoted two additional times solely because of the Respondent's influence as a member of the Board of Directors.

(3) On March 6, 2015, the Commission on Ethics voted unanimously, based upon the information provided in the referral that the referral was sufficient to warrant a preliminary investigation to determine whether the Respondent's actions violated Section 112.3135, Florida Statutes (Restriction of Employment of Relatives), and Section 112.313(6), Florida Statutes (Misuse of Public Position).

(4) The Respondent denied by telephone, in the presence of his attorney, Mark Herron, that he used his position as a member of the Board of Directors to create a position or to influence his sister's hiring or promotions at the FKAA. He stated that he served as a member of the Board from August 2011 until February 2015, when he withdrew his name from consideration for re-appointment. He advised that FKAA board members have no authority to create positions within the FKAA or to direct staff members.

(5) Internal Compliance Auditor Tim Esquinaldo advised that his position is independent and he reports directly to the Board of Directors. He stated that he personally requested the creation of the position of Assistant to the Internal Compliance Auditor and that he had the authority to make, and unilaterally made, the decision to hire Ms. Martin. He explained that at his request, the Board of Directors voted to approve the new position at its September 27, 2011, meeting. Mr. Esquinaldo said the vacancy was advertised internally and externally and the FKAA received 175 applications for the position. Human Resources staff members screened the applications and forwarded the names of 27 qualified candidates to him and he interviewed 13 candidates, he recalled. He noted that Ms. Martin had been an exemplary employee with the FKAA six years prior to the time she applied for the subject position and that she possessed the skills and experience he required for the position. Therefore, he said, he hired Ms. Martin because she was the most qualified applicant. He stated that he never had any discussion or correspondence with the Respondent about the position or about Ms. Martin's application for the position.

(6) The FKAA Board of Directors voted at the September 27, 2011, regular meeting to approve the creation of the subject position. The new position was approved by a vote of four to one, with the Respondent voting with the majority to create the position.

(7) A November 14, 2011, memorandum (Exhibit A) from Mr. Esquinaldo to Director of Human Resources Karen Rodriguez indicates that Ms. Martin scored the highest out of 13 applicants reviewed by Mr. Esquinaldo. Mr. Esquinaldo also stated in the memorandum that he recommended Ms. Martin because she "demonstrated her analytical ability, general accounting knowledge, and extensive administrative assistance skills to perform research, compile and analyze data and prepare reports." He noted that during her previous employment as his assistant Ms. Martin was an excellent employee who received excellent evaluations.

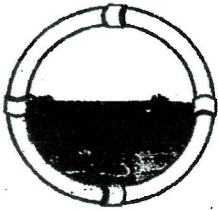
(8) Kathy Ovide, the Manager of the Customer Service Department, advised by telephone that she hired Ms. Martin on February 19, 2013, as the Area Manager of the FKAA's Key West Customer Service office. She stated that the position was advertised internally and that two applicants applied for the position. Ms. Martin, she said, was the most qualified and that she performed best in front of the three-person interview committee. Ms. Ovide stated that she personally made the decision to hire Ms. Martin and that the Respondent made no attempts to influence her decision to do so. Ms. Ovide acknowledged that she promoted Ms. Martin to Assistant Manager of Customer Service for the FKAA on October 24, 2013, based on Ms. Ovide's observation of Ms. Martin's skills, and that she continues to serve in that position. She said the Respondent made no attempt to influence her decision to hire or promote Ms. Martin.

END OF REPORT OF PRELIMINARY INVESTIGATION

EXHIBIT A

EXHIBIT A

FLORIDA KEYS AQUEDUCT AUTHORITY

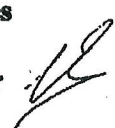


EXECUTIVE DEPARTMENT
1100 KENNEDY DRIVE, KEY WEST, FL 33040
Telephone: 305-295-2206 • FAX: 305-295-2221

November 14, 2011

MEMORANDUM

TO: Karen M. Rodriguez, Director of Human Resources

FROM: Timothy Esquinaldo, Internal/Compliance Auditor 

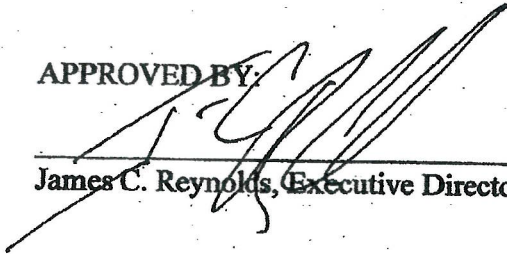
SUBJECT: Job Offer for Executive Assistant Position

The Executive Department has posted, advertised and interviewed for an Executive Assistant position for the Internal/Compliance Auditor. The Internal/Compliance Auditor has reviewed the information provided by thirteen (13) applicants. Listed below are the applicants interviewed for this position:

Applicant Name	Score
Christie Martin	59
Suanne Lee	57
Karen DeBerjeois	51
Michelle Quad	45
Peggy Medina	41
Jenna Ketcham	39
Dina Gambuzza	36
Allison Govoni	32
Cicley Holliman	32
Kerry Baker	31
Crystal Cates	29
Sotey Torres	29
Allison White	29

I am recommending the selection of **Christie Martin** to fill the Executive Assistant position. Miss Martin overall best demonstrated her analytical ability, general accounting knowledge and extensive administrative assistance skills to perform research, compile and analyze data and prepare reports. Miss Martin's salary will be \$49,816.00; which is a Grade 13, Step 1.

APPROVED BY:


James C. Reynolds, Executive Director

cc: File