

# INVESTIGATIVE REPORT

CITY OF MIRAMAR FIRE RESCUE DEPARTMENT

COMPLAINANT: BATTALION CHIEF RICKY BARNET

ACCUSED: FIRE CHIEF RAY PEREZ

DATE: AUGUST 18, 2024

AI#2024-002A

BY:

INVESTIGATORS BILL HAWTHORNE & DINEEN GARCIA

PRINCIPALS

INCLUSENT, LLC

DATE: MARCH 17, 2025

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# EXECUTIVE SUMMARY

In September 2024, investigators Bill Hawthorne and Dineen Garcia of Incluent, LLC were engaged by City of Miramar Human Resources Director, Randy Cross (Cross), to examine accusations contained in a complaint filed by Battalion Chief Ricky Barnet (Barnet) against Fire Chief Ray Perez (FCRP). The complaint accused FCRP of violations of [Miramar City Ordinance §16-324 \(Employment of Relatives\)](#) by improperly exercising his influence over the Summer 2022 Firefighter hiring process in a manner that provided unfair advantages to his son, Anthony Perez (A. Perez).

The investigation revealed that despite a clear understanding of §16-324 and the commitments contained in his recusal email to remove himself entirely from the hiring process involving his son A. Perez, FCRP knowingly and improperly exerted influence over multiple stages of A. Perez's hiring process resulting in unfair employment advantages.

A summary of these instances, described more fully in the Factual Findings section of the report, include the following:

## Applicant Testing Process

FCRP involved himself in two components of the Firefighter applicant testing process: 1) Candidate Validation Exam (Entrance Exam) and 2) Physical Ability Test (PAT).

### 1. Entrance Exam

On or about October 21, 2022, FCRP requested Randy Gonzalez (Gonzalez) a close friend, recently retired Miramar Deputy Chief and new hire at Barry University (Barry), to work solely with Dr. Marco Torres (Torres), Director of EMS Programs for Barry University, to create an entrance exam that would be administered on October 28, 2022 to candidates vying to be Miramar Firefighters, including A. Perez. Torres lacked entrance exam writing experience for Miramar or any Fire Rescue agency in Florida but agreed to create an exam in his individual capacity not as an agent of Barry University.

On or about October 25, 2022, Torres selected 100 questions for the exam and released the questions to Gonzalez for professional formatting. Gonzalez was in possession of the exam for approximately two days before returning it to Torres on October 27, 2022. Torres made required copies, sealed exams in a box and transported them home for delivery to Miramar Fire Rescue Division Chief Segarra on or about 7AM at Miramar City Hall the following date.

On October 28, 2022, the exam was administered. A. Perez scored the highest with 94 points followed by candidate Justin Fleming (Fleming) who scored 90. Fleming is a close friend of Gonzalez's son, Lucas Gonzalez, a Miramar Firefighter. The next highest score

was 70.<sup>1</sup> The remaining 56 examinees failed to achieve the minimum required score of 70. Given the exceptionally low pass rate (.050%), the minimum passing score was lowered to 50 to qualify an additional 40 candidates. This unprecedented step was taken to recruit the minimum goal of 16 candidates to fulfill the 2023 SAFER Grant Award.<sup>2</sup>

## 2. PAT

On October 29, 2022, the Physical Ability Test (PAT) was administered. A. Perez arrived without the required Cargo Pants. Immediately, A. Perez telephoned FCRP to apprise him he would be unable to continue with the swim portion of the PAT without the Cargo Pants. FCRP delivered the Cargo pants to A. Perez at the PAT site.

### FCRP's Revision of Selection Committee Seniority List

FCRP assembled a committee of eight (8) members of the Department to evaluate the list of candidates who successfully met the applicant testing requirements to develop a seniority list ranking candidates by their cumulative test scores. On or about mid December 2022, the committee met in the FCRP's conference room and developed a seniority list. Despite FCRP's commitment to completely remove himself from the Summer 2022 hiring process in its entirety, he rejected the rationale behind the committee's formulated seniority list and revised the list placing Fleming #1 and A. Perez #2.

### FCRP Directed A. Perez's Placement in the General Fund Account

In January 2023 the Department was awarded the FEMA sponsored SAFER Grant, which funded sixteen (16) new Firefighter positions. This grant was created to provide funding directly to fire departments to help them increase and maintain the number of trained "front line" Firefighters available in their communities. The SAFER Grant funded these positions for three (3) years. A. Perez' recruitment class was started to fill these sixteen (16) positions. FCRP expressed concern that A. Perez's position may not be funded after conclusion of the 3-year SAFER Grant funding period.

Despite FCRP's commitment to completely remove himself from the Summer 2022 hiring process in its entirety, on or about January 2023, FCRP directed Division Chief Tara Wagner, who oversaw the administration of the SAFER Grant, to assign A. Perez to the general fund account to afford greater job protection.

In conclusion, our independent and comprehensive investigation determined that the foregoing examples of FCRP's involvement in and influence over the hiring process of his son, A. Perez, constituted a clear Conflict of Interest, violative of the intent and purpose of Ordinance §16-324, and the unequivocal commitments stated in his recusal email to completely remove himself from the hiring process involving his son in its entirety.

<sup>1</sup> Other peculiarities of A. Perez and Fleming test scores are discussed in greater detail in the Factual Findings. <sup>2</sup> FEMA Staffing for Adequate Fire & Emergency Response (SAFER) Grant – City of Miramar won this Federal Funding Grant

## BACKGROUND

On September 9, 2024, the investigators were retained by Cross to conduct an independent, third-party review of a complaint against FCRP by Barnet. The Barnet complaint accused FCRP of violations of the City's Employment of Relatives Ordinance § 16-324 regarding the Summer 2022 hiring process involving his son, A. Perez.

### *Investigative Process and Scope*

During the course of the investigation into allegations contained in the above-referenced complaint, investigators Hawthorne and Garcia undertook the following investigative steps:

- conducted interviews of 25+ members of the Miramar Fire & Rescue Department (the Department) including the accused FCRP, the accuser Barnet, Command Staff, top leadership of Professional Firefighters of Miramar/Local 2820, non-command staff with relevant knowledge, select members of the Human Resources, and other administrative staffs;<sup>3</sup>
- conducted interviews of Torres, author of the February 26, 2022, and October 28, 2022 Miramar Firefighter entrance exams;
- examined and analyzed hundreds of documents, including emails, Employment of Relatives Ordinance §16-324, personnel files, Department hiring processes, 2022 Firefighter entrance exams, candidate and command staff scantron score sheets, related City of Miramar policies/IAFF Collective Bargaining Agreement (2021-2024), other relevant documentary evidence, Miramar social media accounts, related commission meeting recordings/transcripts, and other relevant materials.

### *Miramar Firefighter Employment Process*

There are two recognized employment paths to become a Firefighter with the Miramar Fire & Rescue Department: 1) civil service hiring process and 2) ordinance hire.

**Civil Service:** Typically, eligible candidates must successfully complete a four-step employment process, which entails the following components:

1. *Written or Entrance Exam:* intended to assess the applicant's cognitive knowledge related to the duties of a Firefighter EMT/Paramedic. A minimum passing score of 70% is necessary to advance to step 2 of the process.
2. *Physical Ability Test (PAT):* assesses strength, agility, and endurance. This test is generally evaluated on a pass/fail basis. Successful candidates continue to an oral panel interview.

<sup>3</sup> All interviews of accused Firefighters were conducted in accordance with The Firefighters Bill of Rights (FBOR), Sec.112.82, Florida Statutes

3. *Oral Panel Interview*: evaluates communication skills, decision making abilities, and suitability for the role. A minimum score of 70% is required on this component of the examination.
4. Police Background Check

Upon successful completion of the above steps, candidates are placed in the final candidate scoresheet in rank order based on their cumulative scoring on the first three components described above.

**Ordinance 98-1:** authorizes the City to recruit and hire Firefighters (EMT and Paramedics) directly from fire-rescue organizations or EMS agencies within Florida. “Ordinance” candidates may forgo the Civil Service hiring process and testing procedures described above. The ordinance was conceived and passed to create a vehicle to expedite the hiring of experienced fire rescue personnel, by-passing the multi-step civil service hiring process. The Ordinance is also widely used to afford preferential hiring consideration to relatives of incumbent Firefighters of the Department, also known as “legacies.”

### ***Employment Of Relatives Code §16-324***

Miramar City Code §16-324 prohibits the employment of relatives where such employment would create a conflict of interest. The code states in relevant part:

- 3) *conflict of interest relationship will be deemed to exist when one (1) employee - relative is in a position to **exercise authority over job related decisions or effectively recommend such decisions**, affecting the other employee/relative. Such matters will include authority to act or **effectively recommend the appointment, promotion, assignment**, evaluation, transfer, disciplinary action, salary or compensation changes, supervision or other human resources actions which the director of human resources may deem to constitute a conflict of interest.*
- 4) *The Human Resources Director shall have the flexibility to examine the circumstances surrounding any perceived or actual conflict... If, the Human Resources Director determines, in writing that sufficient checks and balances exist to eliminate any conflict of interest if the senior employee recuses him or herself, **then the senior employee shall recuse him or herself from taking or recommending any human resources related actions with respect to the relative, thus removing the conflict.***

### ***Staffing For Adequate Fire & Emergency Response (SAFER) Grant***

This FEMA Grant was created to provide funding directly to fire departments to help increase and maintain the number of trained “front line” Firefighters available in their communities. The Department was awarded the SAFER Grant in January 2023. The grant funded 16 Firefighter positions. The Summer 2022 hiring process was started to recruit the requisite number of Firefighters to fill the positions funded by the grant. A. Perez was a candidate in this recruitment class.

***FCRP Recusal Email***

In an effort to demonstrate compliance with § 16-324 (4) to City leadership regarding the Summer 2022 hiring process in which his son A. Perez was a candidate, FCRP wrote an email dated November 1, 2022 to Cross, copy to ACM Adam Burden, which stated in pertinent part: “*I have ...recused myself from any and all processes related to this hiring from its inception ... To be specific, I will have no participation or influence in the selection process... in order to avoid any actual or perceived conflict of interest.*”<sup>4</sup>

<sup>4</sup> See Appendix [Exhibit 1](#)

## FACTUAL FINDINGS

As to whether FCRP violated §16-324 and the commitments stated in his recusal email regarding the Summer 2022 hiring process involving his son A. Perez, we divide our factual examination and conclusions into three parts: 1) Written Test; 2) PAT; and 3) Placement on Final Seniority List and General Fund Account

### PART I. Written Test

#### *♦ FCRP Promotion and February 26, 2022 Entrance Exam by Torres*

On February 17, 2022, FCRP was officially promoted to Chief of the Department by then City Manager Whittingham O. Gordon. He was promoted from the position of Fire Marshall/Life Safety Bureau Chief where he served since joining the Department on May 1, 2014.

One of the first orders of business for FCRP was to change the process of devising questions for the February 2022 Firefighter entrance exam. To this end, FCRP asked Division Chief Cliff Ricketts (Ricketts) to arrange a meeting with Torres.<sup>5</sup> FCRP asked Ricketts to facilitate this meeting because at the time Ricketts was also employed with Barry as the EMS High School Program Coordinator and was professionally acquainted with Torres. This meeting took place on or about mid-February 2022 and was attended by Torres, FCRP, Ricketts, Gonzalez, and Deputy Chief Erik Dodge (Dodge). At the meeting, FCRP requested Torres create an entrance exam of 100 questions (50 EMS-focused and 50 Fire-focused) culled from two sources: International Fire Service Training Association (IFSTA) 6<sup>th</sup> Edition and Nancy Caroline Emergency Care in the streets-8<sup>th</sup> Edition. Torres was happy to oblige and reasoned that providing this service would help strengthen his relationship with the Department since Barry partnered with Miramar to provide field externship sites for the EMS program. However, Torres made clear to FCRP he possessed no previous firefighter exam writing experience for Miramar or any other Fire Rescue organization.

Moreover, he emphasized the test writing service under discussion would be performed in his individual capacity not as an agent of Barry University. There was no written agreement memorializing the terms of the relationship nor any compensation paid for this service. Torres produced the exam consistent with the understanding reached in this meeting, which was administered on February 26, 2022.

#### *♦ Gonzalez And Torres Roles In October 28, 2022 Entrance Exam*

FCRP indicated in his interview he wanted Gonzalez to serve as the liaison between Barry and the Department. FCRP regards Gonzalez not only as a close colleague but also a close friend. The investigation revealed that on February 17, 2022, FCRP promoted Gonzalez from Division Chief to Deputy Chief with a net compensation increase of \$20,000. A. Perez listed Gonzalez as

<sup>5</sup> Dr. Marco Torres was working in the capacity of Director of EMS Programs for Barry University.  7



2022, indicating a 10-year association.

Gonzalez retired from the Department on October 1, 2022, after a 30-year career. Immediately after his retirement, Torres hired Gonzalez at Barry in the role of EMS Program Coordinator. According to Torres' statements, Gonzalez approached him at his Barry office about a week prior to the October 28, 2022 exam and stated:

*"Ray wants another test. We're doing a hiring. We have an exam coming up soon. Can you do the test like you did last time?"*

***2/15/25 Dr. Marco Torres Interview (28:30)***

Again, Torres agreed to select and assemble 100 questions for this exam on the same informal terms. On or about October 25, 2022, Torres turned the 100 questions and answer key over to Gonzalez to professionally format. Gonzalez was in possession of the test and answer key from on or about October 25<sup>th</sup> to October 27<sup>th</sup>. On or about October 27<sup>th</sup>, Gonzalez returned the test and answer key to Torres properly formatted. Torres stated the only time exam questions were out of his office or out of his sight was when he released them to Gonzalez for formatting (Torres transcript at 33:24.) Torres made copies of the test and answer key on October 27<sup>th</sup> placing same in a sealed box and transported them home. On 10/28/2022, at or about 7AM, Torres delivered the sealed box to Division Chief of Training Orlando Segarra at Miramar City Hall where the test was administered.

**Hawthorne** – *"... were there any kind of safeguards in place...you know, let's keep these [exams] under lock and key...?"*

**Torres** – *"...the only safeguard was ...that when...they were printed out and you know stapled and put away in the box I took them home with me"*

**Hawthorne** – *"OK"*

**Torres** – *"because I wasn't gonna go to Barry at 7:30 in the morning on a Friday or Saturday to pick them up, I just ...drove straight from my house to [Miramar] City Hall." ...the only time that these questions were out of my office or out of my sight is when I gave ... Randy the raw material whether it was in a USB format or ... I emailed it to him ... with the school account. I don't think I did that, I may have done that...so it was either on USB or in or an email format and what I do recall was that that was done very late... one evening and he had it back to me... he had it done, the formatting the very next day early and you know, so I had enough time to... get them printed out, stapled and then put away...*

***Torres Interview – February 12, 2025 (32:37)***

Curiously, our investigation determined no members of the Command and/or Human Resources staff were included in the process to develop the October 28<sup>th</sup> exam. FCRP denied any and all knowledge of the October 28 test development process citing the commitments stated in the recusal email. However, we find this denial unbelievable since no one within the Department had the authority to direct Gonzalez to liaise with Torres to develop the test.

Significantly, Gonzalez refused multiple requests for interviews in connection with this investigation. Such requests were made by FCRP, Cross and HR Generalist Dora Shade.

### ***♦ Alarming Results of October 28, 2022 Exam***

Fifty-nine (59) Firefighter candidates sat for the October 28, 2022 exam. Only three (3) passed with a score of 70 or higher. FCRP's son, A. Perez received the highest score at 94. The next highest score was achieved by candidate Fleming who scored 90. Our investigation revealed Fleming to be a close friend of Gonzalez's son, Firefighter Lucas Gonzalez. In fact, Lucas Gonzalez pinned Fleming at the 2023 Recruit Graduation on May 11, 2023.<sup>6</sup> The next highest candidate score was 70. These poor results created a crisis for the Department since the goal was to recruit at least 16 candidates to fill the SAFER Grant positions. On site Department leadership including Deputy Chief Bruce Britton (Britton), Training Chief Segarra, Ricketts and Battalion Chief Nuñez urgently discussed the dilemma and decided Segarra would alert FCRP and seek his guidance on the best way to handle the difficult situation. After Chief Segarra's discussion with FCRP, the passing test score was lowered to 50 in order to qualify the requisite number of slots for the SAFER Grant. FCRP denied he was immediately consulted about or provided any resolution instruction to Segarra during this crisis, citing the commitments in his recusal email. We find this denial incredible since everyone present specifically recalled his participation and input on approving the remedial course of action. The lowered scores qualified 43 candidates to advance to the PAT the following day.

### ***♦ Command Staff Takes October 28, 2022 Test***

The following Monday, on October 31, 2022, during a command staff meeting, the topic of the exceptionally low passing rates was a pressing item on the agenda. The meeting was attended by FCRP, Deputy Chief Jermaine McFarlane (McFarlane), Britton, Ricketts, Division Chief Tara Wagner (Wagner), EMS Division Chief Tim Roche, Fire Marshal Jose Gregorisch, Deputy Chief Erik Dodge and Asst. Fire Marshal Glenn Harrell. FCRP claimed Dodge raised the idea of command staff taking the 10/28 test. Dodge disagreed:

**Garcia** – “at some point someone made the recommendation that the command staff take the test. Who did that?”

**Dodge** – “Chief Perez.”

**Garcia** – “Not you?”

**Dodge** – “No, I didn't even know anything about that...he called the meeting in the conference room and we walked in and the... tests were there and he said, all right guys, we're all gonna take this test to see what it's like”

**Garcia** – “So at no time did you say ...” why don't we take the test as the command staff?” **Dodge** – “No, it was a surprise, we all walked into the conference room to take the test.” **February 7, 2025 Deputy Chief Erik Dodge Interview (31:29)**

According to several attendees interviewed,<sup>7</sup> FCRP instructed the command staff to take the same exam administered to test takers on October 28<sup>th</sup> to demonstrate the validity and passibility of the exam. FCRP finished the exam first and achieved the highest score at 96. The next highest score achieved was 76 by McFarlane. Remaining command staff failed to achieve 70 or above.

<sup>6</sup> See Appendix [Exhibit 2](#). Fleming resigned his position effective October 18, 2023.

<sup>7</sup> Dodge, Wagner, Ricketts

One member of the command staff specifically recalled that FCRP boasted that he and his son achieved the highest scores on the exam.

### ♦ *Suspicious Of Impropriety Regarding Test Results*

As stated in the Barnet complaint, legitimate questions emerged over the fact that FCRP, A. Perez and Fleming, all linked to Gonzalez, were the only individuals who scored 90 or above. Curiously, a closer examination of the scantron score sheets exposed even more inexplicable factual details. A. Perez and Fleming incorrectly answered the same 5 questions (7, 71, 72, 74 and 77) with the same wrong answers as detailed in the chart below. But more than that, our investigation uncovered the fact that FCRP also missed questions 71, 72, 74 and 77 with the same wrong answers.<sup>8</sup> Our investigation was unable to determine a definitive explanation for the odd coincidences in the scantron scoresheets of FCRP, A. Perez and Fleming.

#### October 28, 2022 Test Scantron Scoresheets

Question	FCRP	A. Perez	J. Fleming
7		B	B
71	B	B	B
72	A	A	A
74	D	D	D
77	C	C	C

## **PART II. PAT**

### ♦ *FCRP's Involvement in A. Perez's PAT*

Upon arriving for the PAT, A. Perez learned he would need Battle Dress Uniform (BDU/Cargo) pants to take the swimming portion of the PAT. He was wearing sweatpants and didn't bring Cargo pants. He called FCRP and requested his father bring Cargo pants to the testing site, which FCRP delivered. When first queried on January 30, 2025, during his interview by investigator Hawthorne, about whether he brought A. Perez Cargo pants to the site, FCRP adamantly denied he had done so. On February 4, 2025, apparently after consulting with A. Perez, FCRP admitted via email, that he delivered the pants but had forgotten he had done so.

*Garcia - "didn't your father Ray Perez ... ask somebody to go get you long pants because you didn't show up in [BDU's for] the swimming portion."*

*A. Perez - "Well, I had joggers on first. Then when we got there, they were screaming at everybody saying if you don't got the BDU pants then you wouldn't be able to take the swim test. So I did call my father at that time, asked him to bring me pants. He was awake and he did."*

**1/28/25 Anthony Perez Interview (11:17)**

<sup>8</sup> See Appendix [Exhibit 3](#)



### **PART III. Seniority List & General Fund Account Budget**

#### ***♦ FCRP Revision of Selection Committee's Final Seniority List***

FCRP assembled a selection committee to evaluate and rank final candidates on a list that would be sent to ACM Burden for ultimate approval. The committee was comprised of the following Department members:

H.R. Administrator Anglade	Battalion Chief Barnet	Deputy Chief Britton
Deputy Chief Dodge	Deputy Chief McFarlane	Ret. Battalion Chief Nuñez
Training Division Chief Segarra	Division Chief Wagner	

On or about November 3, 2022, during a selection committee meeting in FCRP's conference room, the committee discussed and agreed on a seniority list which ranked A. Perez below civil service carryovers (Cardona, DeArmas and Pacetti Ginnell) from the February 26, 2022 exam,<sup>9</sup>. These candidates were placed at the top of the list by the Selection Committee since they were in the civil service system longer. While the selection committee was meeting and had decided on their recommended seniority list, FCRP entered the conference room, disagreed with committee's rationale, reversed the committee's recommendation, and revised the rank order so that Justin Fleming appeared #1 and Anthony Perez appeared # 2 on the list.<sup>10</sup> When questioned about his reported conduct, FCRP vehemently denied entering the conference room and reordering the list. However, we found this blanket denial to lack credibility since all in attendance that were interviewed, except Britton, had a clear recollection of FCRP entering the conference room, expressing disagreement with the selection committee's rationale and reordering the seniority list.

**Garcia** – “Was there a time when you were sitting in the Chief’s conference room with Chief Dodge, Chief Segarra, Chief Nuñez, at least those individuals, where you all were discussing the selection process and the ranking process...?”

**Anglade** – “Yes”

**Garcia** – “... At any point did the chief come in and move people’s names around?”

**Anglade** – “Oh yes”

**Garcia** – “Ok, you saw that? Where did he move his son’s name?”

**Anglade** – “To the top”

**10/16/2024 Carol Anglade Interview (55:22)**

<sup>9</sup> See Appendix [Exhibit 4](#)

<sup>10</sup> See Appendix [Exhibit 5](#)



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**Hawthorne:** “All right, who was present at the [selection committee] meeting?”

**Nuñez:** “So at that meeting...I know for a fact myself, Deputy Chief Britton, Chief Segarra, Chief Dodge, Chief McFarlane, Chief Barnett, Chief Wagner...we were making the selection of the list ... there was also an existing civil service list at the time and... the decision was made to merge both lists and hire people off of both lists. And then that afternoon after we left the room and we picked the people that were gonna be given a conditional job [offer] we had to discuss the issue of... seniority and ... then the decision was made that the ordinance ... would supersede the civil service list that was present prior... The Fire Chief's son ... benefited from the fact that the lists were manipulated and the person that dictated that whole entire meeting to come up with that conclusion of seniority, which in my eyes was an HR function, it wasn't really a fire department function, was the Fire Chief... The Fire Chief did interject himself into that process and said this is how we're gonna present the candidates and this is how we're gonna submit it to HR.”

**Hawthorne:** “Do you recall what, if anything, Carol did or said [in response to] the Chief's reording?”

**Nuñez:** “...Quite frankly, I think that... not only Carol, but of all the all the administrative staff that work up there... I honestly think that they work in an environment where ... they operate in self-preservation mode... they work in fear of retaliation. So it ... wasn't like ... she didn't have the right intentions but I don't think that she was gonna step up in that room and advocate for HR.”

**10/22/24 - Retired Battalion Chief Leo Nuñez Interview (39:22)**

**◇ FCRP Directive Not To Code A. Perez As A SAFER Hire**

When the candidate Seniority List was finalized in accordance with FCRP's wishes, a list of Firefighter candidates was generated to fill the SAFER Grant positions. FCRP delegated the administrative responsibilities of the SAFER Grant to Wagner. During a selection committee meeting, FCRP directed Wagner not to code A. Perez as a SAFER Grant hire. According to Wagner, FCRP was concerned about that terms of the SAFER Grant could mean that after the three years are up, the City can decide to vacate those positions and then no longer fund them. The investigation revealed that SAFER hires are paid from the SAFER Budget account and non SAFER hires are paid from the General Fund Account.<sup>11</sup> Ricketts and Dodge also attended this meeting and recounted FCRP's direction to Wagner. Based upon FCRP's direction, A. Perez was not listed as a SAFER hire; although other legacy candidates in this recruitment class were as such including T. Hester, M. Estep, R. Roque and G. Gonzalez.<sup>12</sup> Notably, Fleming also was not coded as a SAFER hire.

**Wagner:** “During this three-year period, the FEMA funds the payroll. Sometimes it's payroll and equipment, but ours was just payroll funds. The payroll of those 16 candidates, the City can choose to lay those people off. After...the three-year period or they can say obviously there's a need that

*department was short, we're going to make those... employees ... permanent...I have to give the names of those 16 to FEMA and Chief Perez was adamant that he did not want his son to be a SAFER employee because there could be a spot at the end of those three years that his son would not be able to stay as an employee if the City could not pick up the cost."*

**Garcia** – "How do you know that he was adamant that he did [not] want his son to be a SAFER employee?"

**Wagner** – "He told me...That was a statement he made to me"

**February 6, 2025, Division Chief Tara Wagner Interview (57:50)**

<sup>11</sup> See Appendix [Exhibit 6](#)

<sup>12</sup> See Appendix [Exhibits 7](#) and [Exhibit 8](#)



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## CONCLUSIONS

Upon completion of a comprehensive, independent investigation, we find that FCRP violated §16-324, Employment of Relatives Ordinance by wrongfully involving himself in the Summer 2022 hiring process of which his son A. Perez was a candidate. Furthermore, despite the representations FCRP stated in his November 1, 2022 email to Cross, recusing himself from the Summer 2022 ***hiring process in its entirety***, FCRP repeatedly placed himself in a position ***to exercise authority over job-related decisions affecting the hiring and placement of his son, A. Perez***. Specifically, FCRP violated §16-324 and the commitments in the recusal email in the following facets of the hiring process:

### ***Entrance Exam***

A week prior to the October 28, 2022 exam, FCRP directed close friend Gonzalez to solely work with Torres to hastily create the October 28<sup>th</sup> written Firefighter exam. FCRP knew or should have known Gonzalez would have access to the exam thereby creating an actual conflict or the appearance of a conflict of interest. FCRP represented he would recuse himself from **any and all** processes related to the Summer 2022 hiring class. He failed to do so.

### ***PAT***

FCRP delivered Cargo pants to his son on site the day of the PAT. FCRP represented he would recuse himself from **any and all** processes related to the Summer 2022 hiring class. He failed to do so.

### ***Final Seniority List***

FCRP interjected himself in a selection committee meeting and exercised his influence to revise the final seniority list so that his son, A. Perez was moved to position #2 on the list. FCRP represented he would recuse himself from **any and all** processes related to the Summer 2022 hiring class. He failed to do so.

### ***FCRP Directive Not to Code A. Perez As A SAFER Hire***

FCRP directed Wagner not to code A. Perez as a SAFER hire out of concern that the SAFER hire positions could be terminated after the federally funded three-year term. FCRP represented he would recuse himself from **any and all** processes related to the Summer 2022 hiring class. He failed to do so.

Based upon an analysis of §16-324, FCRP's recusal email and the factual findings detailed above, we deem FCRP's conduct in the hiring process of A. Perez to have constituted a Conflict of Interest.

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