



INTERNAL AFFAIRS REPORT

SURFSIDE P.D. CASE NUMBER: 2024-2092

COMPLAINANT(S): Office of the Chief Surfside Police Dept.

DATE OF INCIDENT: Multiple

DATE REPORTED: Thursday, August 1, 2024

DATE CASE TOLLED: N/A

DATE CASE UNTOLLED: N/A

180 DAY EXPIRATION DATE: N/A

INVOLVED OFFICER(S)/ EMPLOYEE(S): **Dina Goldstein**

INVESTIGATOR: Sergeant Osvaldo Ramos – ID #02-078

ALLEGATION: Goldstein, Senior Executive Assistant, was alleged to have violated the Town’s Compensatory Leave Policy, leaking sensitive/privileged information, potential fraud in handling the Town’s parking permit issuance and collection of fees, and overall incompetence in job performance.

CHRONOLOGY OF INVESTIGATION:

On Thursday, August 1, 2024, at 0924 hours, Acting Chief, Wayne Holbrook called me requesting assistance on a matter at the Surfside Police Department. Chief Holbrook asked if we could meet at 1100 hours, which I agreed to.

At 1100 hours, I met with Chief Holbrook and Acting Town Manager Police Chief Enrique Doce at the Surfside Police Department, located at 9293 Harding Avenue, Surfside, Florida. After I was introduced to staff members and members of the police department, Manager Doce advised that he was concerned about several irregular matters within the police department and within the Town and was seeking assistance in an investigation into those matters. Manager Doce agreed to speak to Miami Beach Police Chief Wayne Jones and request my assistance in the investigation.

On Friday, August 2, 2024, @ 1646 hours, Chief Holbrook called me and advised Manager Doce had spoken to Chief Jones, who had granted permission to assist in the investigation. The arrangement was that the Town of Surfside would agree to reimburse the Town of Miami Beach any Overtime expenditures I incurred during the investigation. Chief Holbrook said he would email me a packet with the information pertinent to this investigation and other matters that needed to be investigated.

On Sunday, August 4, 2024, @ 1200 hours, Chief Holbrook sent me an email from eholbrook@townofsurfsidefl.gov to my Town email of osvaldoramamos@miamibeachfl.gov with the packet and aforementioned information.

At 1545 hours, I started to review the material he provided. The following is the relevant information pertinent to this investigation:

- Payroll records from September 2022 and September 2023 had been reviewed, which indicated that several officers exceeded the three-hundred-hour (300) limit for compensatory limits set forth by the Fraternal Order of Police (FOP) Bargaining Unit—specifically, Article 21.1.1 (Hours and Overtime) of the FOP contract.
- In 2022, Sergeant Julio Torres accumulated four hundred and sixty-four point forty-nine (464.49) hours, he was paid twenty-three thousand five hundred and sixty-five dollars and thirty-eight cents (\$23,565.38);
- In 2023, the same employee accumulated seven hundred and thirty point zero six (730.06) hours and was paid thirty-eight thousand eight hundred and ninety dollars and seventy-two cents (\$38,890.72);
- In 2022, Officer Jose Valino accumulated three hundred eight three-point sixty-four (383.64) hours and was paid sixteen thousand eight hundred forty-two dollars and thirty-seven cents (\$16,842.37);
- In 2023 Sergeant Jose Matelis accumulated three hundred forty-five point thirty (345.30) hours and was paid twenty-one thousand nine hundred and thirteen dollars and twenty-seven cents (\$21,913.27).
- The bargaining agreement allows the officer to sell back their accumulated compensatory leave at the end of each fiscal year.

- One of Ms. Goldstein's responsibilities was to monitor and submit to Finance the compensatory leave for each employee and to also at the request of the employee, submit their hours to finance for reimbursement at the end of each fiscal year.
- The Town paid the listed employees a total of thirty-seven thousand six hundred thirty-three dollars and seventy-four cents (\$37,633.74) over the limits set forth by the contract (300 hours). The accumulated hours over the contract limits equaled seven hundred twenty-nine point forty-three hours (729.43).

NOTE: The Town paid the listed employees a total of eighteen thousand eight hundred and twenty-eight dollars and thirty-three cents (\$18,828.33) over the limits (420 hours) set forth by the Fair Labor Standards Act (FLSA) which is a federal law that sets minimum wage, overtime pay, recordkeeping, and child labor standards for private sector and government employees. The accumulated hours over the FLSA limits equaled three hundred fifty four point fifty-five (354.55) hours.

Additionally, there were concerns about leaked information that was sensitive to the department's operation. One specific incident was information she was apprised of concerning changes to police dispatch, which was later posted on her husband's social media account before being disseminated to the public. There were also concerns about Ms. Goldstein's lack of essential skills and/or proficiency for her position. Finally, there were questions regarding her involvement in unauthorized compensatory leave and overtime for an employee, Sergeant Rory Alberto, who had been on military leave. A copy of the above documents was placed in the case file.

On Friday, August 6, 2024, at 1414 hours, Chief Holbrook and Acting Town Manager Doce met with Dina Goldstein and presented a document explaining that she had been relieved of duty. Ms. Goldstein signed the document, acknowledging she understood its content. I was present during the meeting. A copy of the memo was placed in the case file.

On Tuesday, August 13, 2024, I received an email with a letter from Arthur T. Schofield, P.A., advising he was representing Ms. Goldstein. A copy of the letter was placed in the case file.

On Monday, August 26, 2024, at 1053 hours, I spoke to Miami-Dade Assistant State Attorney Sandra Miller-Batiste of the Public Corruption Unit about the facts of this investigation. After discussing the facts, she advised me that the SAO would not proceed with this case criminally and that it should remain administrative.

On Thursday, September 12, 2024, at 1057 hours, Chief Holbrook emailed me information on irregular circumstances regarding the issuance of business parking passes. The packet contained five (5) exhibits. Chief Holbrook asked me to look at this matter more deeply.

- **Exhibit A:** Price go-by for Business Parking Permits for 94th Street and Abbott Parking Lot. The exhibit listed the price for a parking permit for the 94th Street lot as seventy dollars (\$70.00) plus four dollars and ninety cents (\$4.90) for sales tax, which equaled seventy-four dollars and ninety cents (\$74.90). The price for a parking permit

for Abbott Lot was eight-five dollars (\$85.00) plus five dollars and ninety-five cents (\$5.95) for sales tax, which equaled ninety dollars and ninety-five cents (\$90.95).

- **Exhibit B:** An email from Sgt. Matelis, dated September 6, 2024. Sgt. Matelis, in his email, advised the Chief that he had been assigned to oversee the business parking permit program. While acclimating with the program and the process, he ran into several concerns, which he outlined. Following are some of the concerns he brought up. Starbucks had asked for extra passes, businesses who parked at the Abbott Lots had asked why they were not being offered “part-time passes,” USPS, who were entitled to twenty-seven (27) parking permits, asked for thirty-two (32), and that the permits had no control numbers or expiration dates.
- **Exhibit C:** Copy of the Post Office Parking Lot permit, with no control number or expiration date.
- **Exhibit D:** Town of Surfside Police Flyer announcing the sale of Business Parking Permits, asking anyone interested to contact Dina Goldstein.
- **Exhibit E:** An email thread between Dina Goldstein and Jay Basto, dated January 9, 2024, at 1004 hours, about a reduced parking rate and authorization to charge a credit card.

Holbrook's email also included a Detailed Accounting Report for the Municipal Parking Fund for the fiscal year 2023-2024. Copies of the exhibits and report were included in the case file.

At approximately 1530 hours, I had a brief conversation with ASA Miller-Batiste about new facts that had come to light, and she again advised me to proceed administratively.

On September 5, 2024, at approximately 1500 hours, I had a brief conversation with Division Chief ASA Tim Vandergeisen of Miami-Dade SAO about the facts of the case. He made it clear that his office would not investigate this matter criminally.

On Tuesday, September 24, 2024, at 1536 hours, Holbrook emailed me the results of IT's research on who had developed the department's parking permits. The parking permit, depicted in Exhibit C, was created on the Town's Server on September 19, 2012, at 1418 hours. A copy of the email was placed in the case file.

On Wednesday, September 25, 2024, at approximately 1400 hours, I conducted a sworn recorded interview with Ms. Dina Goldstein. The interview was conducted at the Town of Surfside Town Hall, 9293 Harding Avenue, Surfside, Florida. During the interview, her attorney, Ms. Blanca Sordo, and the Town of Surfside Attorney, Mr. Mark Blumstein, were present. The following is a synopsis of her interview:

Ms. Goldstein was the Senior Executive Assistant to the Chief of Police and reported directly to the Chief of Police. She had held that position for approximately sixteen (16) years. Initially, she was hired as the Criminal Investigation Unit Assistant, a position she held for approximately a year. Ms. Goldstein provided a general description of her current work responsibilities, which included:

- Preparing weekly updates of the Police and Parking Department,
- Preparing monthly Reports for the Town Manager,
- Responsible for Accounts payable and Requisition requests for Police and Parking,
- Employee evaluations, which included sending reminders, checking them for completeness, sending them to Human Resources for step increases, etc.,
- Processing new police and parking hires, creating personnel books and parking permits,
- Preparing "Thank You" letters and Memos on behalf of the Chief and Assistant Chief of Police,
- Preparing weekly, monthly, and yearly crime statistics for publication,
- Coordinating the yearly Chief's dinner.
- Coordinating Community events such as Citizens Police Academy (CPA), coffee with the police, kids summer camp program, Halloween candy and Holiday toy giveaways, etc.,
- Purchasing all office supplies,
- Payroll for police and parking department, and,
- Issuing Business Parking Permits.

During her tenure as Senior Executive Assistant, she worked for several administrations. Chief David Allen was the first Chief she worked for in her current role. After Allen retired, she worked for Chief Julio Yero. After Yero, Chief John Healy was an interim chief until Chief Rogelio Torres was hired. When Chief Torres resigned, Chief Healy was sworn in as Chief until his departure. Chief Antonio Marciante was then sworn in as Chief, until his departure. Currently, Chief Enrique Doce is the Chief of Police.

She has not supervised anyone, although at one short period approximately six (6) years prior, she did have a subordinate but no longer. Ms. Goldstein, several years back during the COVID pandemic, saw that several employees were working from home, making large amounts of overtime, which she found to be irregular. She reported this to the then Captain Marciante. Captain Marciante said he had spoken to Chief Yero, who approved them to work from home. Additionally, approximately two (2) years ago, she noticed that if she had given overtime to an employee as directed, the employee would have been double dipping (meaning getting paid twice). She notified Chief Marciante then, and he directed her to do it regardless.

Ms. Goldstein explained her role in the payroll process. A lock box was placed at the station where the employees dropped their Overtime, Time off Requests, and/or Extra Duty slips. She would retrieve and sort these slips from the lock box two or three times a week. As she sorted them, she would enter the times into an Excel worksheet she developed and then

into the Town's Payroll system called ESS. She tallied each employee's time used or earned in her Excel worksheet. If an employee took time off, she would subtract time from their bank as indicated in their slip, or if they worked for comp., she would add the time to their bank. Ultimately, after she entered the information into the ESS program every other week, it would be submitted to Finance. She claimed that, in several instances, after comparing Finance's numbers and the information on her Excel worksheet, she would find discrepancies and advise them of such. There are several other time banks, including personal leave, vacation, sick leave, and FMLA.

She explained that during Allen's and Yero's tenure, they would approve or disapprove payroll by signing off before going to finance. Chief Healy changed the process, and they no longer approved payroll; it would go directly to Finance once she submitted it. When Doce arrived, he asked again to be part of the approval process. Ms. Goldstein was trained in this process by Finance and by the software company used for payroll. She used the guidance of the bargaining agreements, Fraternal Order of Police (FOP) for the sworn members of the department, and the American Federation of State, County, and Municipal Employees (AFSCME) for the non-sworn. She acknowledged knowing the various limitations and benefits of the bargaining agreements, specifically the three hundred (300) hour maximum limits specified by the FOP contract concerning Comp time.

The AFSCME contract provided a maximum limit of seventy-nine (79) hours in comp time. The FOP contract provided the officers with a maximum limit of three hundred (300) hours to bank in comp time. Comp time is earned when they work overtime or a detail; instead of requesting overtime, they can bank their time. She explained that any employee above three hundred (300) hours should be paid in overtime instead. An example discussed during the interview was if an employee with two hundred and ninety-five (295) hours of comp time in their bank worked a detail that could pay them twelve (12) hours. The employee could bank five (5) hours of comp time and should be paid the remaining seven (7) hours at the overtime rate.

The system (ESS) would only allow an employee to accumulate up to seventy-nine hours (79) for civilians and three hundred hours (300) for members of the FOP. She learned the system through trial and error and sat with Yamilet from HR and Mayte Gamiotea. At the time, there was no ESS system. Everything was done on paper. Approximately seven (7) or ten (10) years ago, the Town went to the current computerized system. She was trained by Tyler, a hands-on training, for the computerized payroll system. Ms. Goldstein said she felt familiar with the Town's policy and did not recall many policy changes throughout the years.

During the last pay period of the fiscal year (In September), FOP employees are allowed to sell their Comp time. This benefit has existed since she began working at the Town and its contractual. She is a conduit to the process but did not approve the time. She described herself as a data entry clerk who put the time into ESS, which the employees' supervisor approved, and Finance is responsible for making the payments. At one point, ESS had limits placed on the system to prevent any employee from accumulating more comp time

than permitted, but Finance let those caps lapse. She did not know who was in finance when those caps were removed but recalled Gamiotea working in finance at one point. She did not know who or when the caps were removed but noticed it last October (2023). She reported it verbally to. The caps were again placed in the system to prevent officers from over-accumulating comp time. Gamiotea told her that she was unaware caps existed.

Although she could not precisely recall which officers or how much she was aware of, officers exceeded the maximum allotted comp time in 2022. She reported it to Gamiotea at her office but could not recall her response. When it happened again in 2023, she claimed to have notified the officers that they were over. She could not recall when she told them, but it was in person and verbally. Ms. Goldstein did not know why she did not notify them via email or notify their supervisor. She claimed she had no specific intent of why she did not notify anyone above her of the situation. She acknowledged not seeing Torres often because he worked nights, but she would see Matelis several times a week. She could not recall what the officers told her when she brought the issue to them. The officers were also responsible for not going over on their comp time banks. At the time slips used by the officers to document the comp time, they did not have a place to put the hours they already had, but approximately two (2) months ago, the slips were changed, and now the officer must place their current accumulated hours.

She was putting into the system what was given to her, and since the officers had not requested to be paid for the hours that were above the allotted banks, she did not process it that way. A Captain supervised the Sergeants and was responsible for keeping an eye on the officers' banks. The list of banked hours was not published anywhere, though. The Captain nor the other members of the Command Staff ever asked to see them. She never showed them the lists, but she reported it to Gamiotea in Finance. Gamiotea and the Finance Director knew of the situation but could not name the Director. She classified the overage payments to the officers as a mistake, not an oversight nor an intentional decision. No one directed her to ignore the overages.

Regarding Rory Alberto, she was aware he was on Military leave and had up to two hundred and forty hours (240). Gamiotea told her in Finance that Alberto could use his own time if requested. If Alberto were out on Military leave, he would not be paid, but he could if he wanted to use vacation or other accumulated time. Last year, he ran out of time, and the Finance Director Javier Collazo told her he would receive no pay. Ms. Goldstein identified the reports she created for Rory for the past six (6) years at the request of Chief Doce. She used the Excel worksheets she created for payroll to create the document we were reviewing. A copy of that worksheet was included in the case file.

We reviewed some of Alberto's entries, specifically a June 24, 2022, request for twelve hours of vacation leave. The leave slip was compared to her Excel worksheet and the attendance sheet she also prepared. The slip indicated vacation time, the Excel worksheet indicated vacation ML and the attendance sheet had a slash throughout the day with no letters. Gamiotea advised her that for tracking purposes, it was Military Leave. Next, we looked at August 8, 2019, and the same analysis was made. Alberto, on the slip, requested

.5 of personal leave; on the Excel worksheet, it was entered as Vacation ML, and on the attendance sheet, it was entered as .5PL. Ms. Goldstein admitted that was a mistake she made on her Excel worksheet. She explained that he might not have had personal leave, and they took the time from vacation instead. Alberto never asked her to alter any of his leave time.

Ms. Goldstein became responsible for the business parking permits in either 2008 or 2009. Assistant Chief DiCenso gave her that responsibility, which used to be handled by a property and evidence clerk. She was not provided any direction on how the program should be handled. She came up with the process, which was still in effect. The program is for businesses that need parking for their employees. The Town has a contract with the Post Office for twenty-six (26) parking permits at the 96th Street parking lot. The town charges the post office the fee, and she issues the permits. At first, she printed and numbered the permits monthly. After several months of doing this, she asked DiCenso if, through one of their vendors, Nextpub, DBA The Print Factory, they could order permanent permits, which was approved. The current permits for the post office are numbered hand tags with the month and the Town seal.

A sample of a parking permit was shown to Ms. Goldstein (included in the case file), and she identified it as a parking permit she had printed and designed. Eight (8) parking permits are also provided to the post office, specifically for the lot behind the post office. Elenor Joseph, who was the original handler of the permits and former Property and Evidence Clerk who most recently retired as the Parking Director, directed her to provide the Post Office with eight (8) additional permits. To her understanding, it was part of the contract between the Town and the Post Office. The reason those permits were not numbered was that they did not change. She did not charge the Post Office, but she handed them to the post office Manager. She had recently re-made those permits because the ones they currently had were deteriorated. She was doing it the way it had always been done and was told by DiCenso to do it. She did not know why the eight (8) differed from the other twenty-six (26). Each month, the twenty-six (26) permits change colors to prevent fraud.

The other lot was located at 9500 Abbott Avenue. Exhibit D was shown to Ms. Goldstein, who recognized the flyer she designed and was done so many years ago. The parking price had increased through the years, but she did not know who or why the prices were raised. Exhibit A was shown to Ms. Goldstein, and she recognized it as a cheat sheet she had created with the pricing and tax for each additional permit requested. The sheet was produced to assist the Town Cashier when charging the permit holder. At one point, the Police Department would take payment for those permits, but several years ago, payment was only received by the Town Cashier. It was usually an employee named Damaris. Ms. Goldstein would have a list of the people requesting parking permits, and due to the limited numbers, she also has a waiting list for permits. Once someone was approved to purchase a permit, she would provide the permit with the name to the front desk, and after paying for it, they would provide the permit. Mid-month, she would see which permits had been picked up and which had not, and she would reach out to them.

A person wanting a permit would fill out an application with the business information. She would review the application to make sure it was a legitimate company. She knew most of the companies in the Town because she was a resident and frequented the establishments. She usually dealt with a manager, not an employee. There was no real vetting process. Sometimes, if a business had a part-time employee, she would only charge them half the amount. She asked a previous administration if that would be okay, and they did not have a problem charging them half the price. There was no policy on the matter. The Chase Bank was one of the first instances where an employee asked for a part-time permit. She called the bank manager to verify, but she did not recall the bank manager's name. She believed DiCenso was the first boss to allow that practice. No other boss told her she could not do it. When Chief Doce arrived, she claimed he never asked her anything about her responsibilities or practices, so she continued doing things the way she always did.

Ms. Goldstein was shown Exhibit E, an email between her and Jeanette. In the email, Ms. Goldstein discussed the price of her parking permit for the year, which was forty-two dollars (\$42.00). Ms. Goldstein recalled the email and identified Jeanette as a part-time employee of the vet's office. Jeanette worked only a day a week. She provided an even more reduced price for the permit, which equaled three dollars and fifty cents (\$3.50) a month. She was not involved in charging the permits or authorized to use a credit card machine. She estimated issuing approximately ten (10) part-time reduced rate permits. She obtained permission from the authorized cardholders to forward the information to the Town Cashier to charge their credit cards. Ms. Goldstein admitted to keeping credit card information from the permit holders in her office in a locked drawer to facilitate payment. Ms. Goldstein obtained approval from Gamiotea to do this. At one point, the Town would not accept credit cards, and when they started to do so, they created a credit card authorization form. Although no policy existed, there was an established practice of keeping the credit card authorization form to facilitate purchases. She would usually provide the credit card authorization form to Damaris and charge the respective cardholder monthly. The permit holder would pick up the permit, and their card would be charged.

To her knowledge, no one expressed any concerns about how the business parking permits were being handled. She was not aware if Joseph had a similar part-time permit holder pricing. She recalled issuing a special day pass to Starbucks because the CEO was coming to town. She did not obtain permission to do so, because justified because Starbucks had been friendly to the police department by hosting coffee with the cops. She was not the original designer of the parking permit but recalled creating the one shown to her during the interview.

An hour and forty-three (1:43) minutes into the interview, a short break was taken, and the recorder remained on. Approximately eight (8) minutes later, the interview continued, but Town Attorney Mark Blumstein did not return to the room.

She was never approached, promised, or coerced by an employee or anyone in exchange for any favors or benefits. She never received compensation or favors for not doing her job

properly. Her reputation is of utmost importance, and she told Doce when he first started that she would never compromise herself or her integrity.

Ms. Goldstein refuted having ever discussed sensitive or privileged information with her husband. She explained that Chief Doce discussed the issue with the changes in dispatch at a meet and greet in May, during which he brought the subject to light in a public forum. Doce liked to discuss departmental issues with many people in general, and at that point, if the information was discussed with the public in general, then it was “open season.” She refuted that her husband posted anything about the changes in dispatch. Whatever was said in the Chief’s office throughout the various administrations always stayed in that office. She felt a lot of negativities during the current administration and was placed in various uncomfortable situations.

At 1606 hours, the interview concluded.

At 1607 hours, Ms. Goldstein read, understood, and signed an Internal Affairs Sworn Affidavit. A copy of the affidavit was included in the case file.

Monday, October 21, 2024, at 1121 hours, Michell Sanchez, an Administrative Assistant at the Town of Surfside, forwarded me via email a packet containing relevant information pertaining to this investigation. The following is a synopsis of the documents received:

- An acknowledgement receipt of Town of Surfside Ordinance 17-1660 amending Chapter 2 “Administration” Article VII “Code of Ethics;” Specifically creating Section 2-227.1 “Honor Code for Elected & Appointed Town Officials and & Town Employees.” Signed by Dina Goldstein on March 17, 2017.
- An email exchange between Captain Antonio Marciante and the then Town Manager Andrew Hyatt, dated December 30, 2021, requesting permission to extended sixteen hours of leave over her three hundred (300) hour limit, to use or loose for an additional thirty (30) days. Hyatt approved the extension.
- An email exchange between Human Resources Director Yamileth Slate-McCloud and the then Town Manager Hyatt, dated February 1, 2022, requesting approval to add twenty-one point eight-eight (21.88) hours of vacation hours over her three hundred (300) hour limit to her vacation accrual. Hyatt approved the move of the hours.
- A commendation authored by then Chief of Police Rogelio Torres, dated January 31, 2022. In the commendation Chief Torres explained that Ms. Goldstein tracked three (3) budgets annually and handled the “most complicated payroll system in Town Hall.” He also commented that she administered the business parking permit program. Chief Torres continued to commend Ms. Goldstein for her handling of all the FEMA and ICS paperwork related to the Champlain Towers South Building Collapse on June 24, 2021. Additionally, he recognized her for involvement in a multitude of programs which enhance public safety. Ms. Goldstein was awarded the 2021 Civilian of the Year award.

- Ms. Goldstein’s Annual Employee Performance Evaluation, signed and completed by then Chief Julio Yero on September 10, 2020. Ms. Goldstein signed for the evaluation on September 11, 2020.
 - Under Section 1 titled, “Skill Level/Job Knowledge,” Chief Yero commented that Ms. Goldstein had held the position of Executive Assistant to the Chief of Police for Eleven (11) Years and that she handled accounts payable, department payroll and budgetary matters. Yero explained that Ms. Goldstein “...was required to learn and adapt to a new payroll system for non-FOP employees, Tyler Incode Employee Self Service (ESS).” Yero continued: “The FOP payroll/timesheets are still processed and submitted on a spreadsheet due to the complexity of the payroll she handles.”
 - Under Section 3 titled, “Quantity of Work,” Chief Yero commented that Ms. Goldstein duties included, “...payroll and budget matter...” Additionally, she handled, “...off-duty billing, parking permits...”
- An email authored by Chief Yero on Friday, January 18, 2019, at 1515 hours, announcing Ms. Goldstein as the department’s Civilian of the Year for 2018. In the email Yero commented that Ms. Goldstein tracked three budgets annually and that she “...undertakes the most complicated payroll system in Town Hall as well as the voluminous off duty detail payroll.” Additionally, Yero also mentioned that Ms. Goldstein administered the business parking permit program.
- A nomination for Civilian of the Year for 2014 for Ms. Goldstein authored by then Chief of Police Dave Allen on February 2, 2015. In the nomination Allen commented that Ms. Goldstein managed the administrative functions of the police department by herself. Allen continued remarking her importance in the development of three separate budgets each year, Public Safety, Municipal Parking and the Forfeiture/Confiscation budget. Additionally, he added “...undertakes the most complicated payroll in Town Hall as well as the off duty detail payroll.” Allen also added that she administered the business parking permit program.
- A memorandum authored by Chief Allen to the then Town Manager Michael Crotty, dated September 18, 2013, titled Pay Adjustment. In the memo Allen explained that Ms. Goldstein was not being properly compensated for the additional workload given to her for managing off duty details. Allen wrote, “Executive Assistant Dina Goldstein manages the process by billing the private companies, tracking the payment process, collecting each officer’s off duty slip, compiling the hours for each officer and completing the extra duty payroll as well as the regular payroll.” Allen requested the Manager approve an annual pay adjustment of three thousand sixteen dollars (\$3,016.00). The manager approved a three thousand dollar (\$3,000.00) annual increase effective October 1, 2013.
- An acknowledgment receipt of personnel police and procedures manual Chapter 5 titled Employee Benefits, Section F(1a) Vacation Leave Eligibility and Rate of Earning effective October 1, 2018, signed by Ms. Goldstein September 28, 2018.
- An acknowledgment receipt for Sick Leave Conversion and Bonus Days, signed by Ms. Goldstein on December 13, 2023.

Copies of the listed documents were included in the case file.

At 1201 hours, Chief Doce provided an email Ms. Goldstein sent him on Monday, July 1, 2024, at 1619 hours, titled "New Payroll Procedures." In the email to Doce, Ms. Goldstein outlines her payroll responsibilities. The email read: (SIC)

After a payroll has been completed, I immediately begin preparation for the upcoming payroll. The payroll steps are as follows:

- *Finance provides the timesheets to me however due to the number of payroll codes(that do not fit in the allotted spaced on the timesheet) the FOP, CSA's and Parking employees have a separate excel spreadsheet*
- *The spreadsheet is updated as each payroll is completed with the new pay period dates and leave balances*
- *I retrieve a leave balance report from Tyler with the updated leave balances for FOP, CSA's and Parking employees*
- *I update all the employee leave balances on the timesheets to ensure accuracy*
- *I document all Comp time earned and taken for all employees on a comp specific spreadsheet*
- *After all the leave, overtime, and off duty slips are approved by the Command Staff , I separate them by leave requests, off duty, overtime/comp and overtime and organize them in alphabetical order by last name of employee*
- *I enter the overtime, off duty and leave as it is received into ESS and on the timesheets, the data is saved*
- *I make the necessary adjustments for leave time should it change*
- *At the completion of the two week period, the payroll is saved and submitted into ESS*
- *The hard copies of the timesheets and the white copies of the leave, overtime and overtime/comp are submitted to Finance upon completion for documentation*
- *The off duty slips are provided to Officer John Gentile to complete his records as the off duty coordinator*

If you have any questions or need clarification, please do not hesitate to ask. Thank you.

The email thread was started by Chief Doce on Monday, July 1, 2024, at 1528 hours. Doce copied, Holbrook, Captain Flaherty, the Town Manager, the Town Attorney, and Yamileth Slate-McCloud. In the email Doce advised Ms. Goldstein that effective immediately payroll could only be processed during the work week and no longer during the weekend. Additionally, he implemented that payroll be first be approved by Flaherty, Holbrook and himself prior to submission to the Finance Department.

A copy of the email was included in the case file.

On Tuesday, October 22, 2024, at 1314 hours, I called Mr. DiCenso, I left him a voicemail asking him to call me.

At 1347 hours, I called Ms. Gamiotea, I left her a voicemail asking her to call me back.

On Monday, October 28, 2024, at 1004 hours, I called Mr. DiCenso and left another voicemail asking him to call me back,

At 1007 hours, I called Ms. Gamiotea, I left her a voicemail asking her to call me back.

To date I have not received any responses from either Mr. DiCenso or Ms. Gamiotea.

NOTES:

A review of the Fair Labor Standards Act (FLSA), specifically 29 CFR § 553.22 stated that Employees of a State or local government agency may receive “compensatory” time, at a rate of not less than one and one-half hours for each overtime hour worked, in lieu of cash overtime compensation. Employees engaged in fire and police protection work may accrue up to four hundred and eight (480) hours of “compensatory” time in accordance with the FLSA. However, individual State or local government agencies may limit the amount of “compensatory” time that an employee may accrue in accordance with their own policies. The FLSA only states that the amount should not exceed four hundred and eighty (480) hours, which represents three hundred and twenty (320) hours of actual overtime hours worked. Copy of the pertinent area of the FLSA was included in the case file.

A review of the Bargaining Agreement between the Town of Surfside and the Fraternal Order of Police (FOP) in Article 21, titled Hours and Overtime, specifically 21.1.1 in part stated “Employees may earn up to a total of three hundred (300) hours of compensatory time, but may replenish the bank throughout the year. Subject to operational needs as determined by the Chief of Police or his designee, each employee may choose the option of being paid the remaining compensation bank balance on the last payroll of the fiscal year at the existing pay rate or continue the current balance of the compensation bank to the next fiscal year.”

A review of Section 2-227.1 of Town of Surfside Ordinance 17-1660, the applicable Honor Code for all elected, appointed town officials and employees. In which and in part stated that each “shall” adhere to the code and established minimum standards for all public servants on the Town. A synopsis of the minimum standards listed were to protect public interest above personal interest; be a public surrogate protecting against waste or fraud; be respectful of all laws, ordinance, resolutions, rules, and regulations and assist law enforcement in those investigations; reporting any crime the public servant is or becomes aware of and cooperating fully with law enforcement or any investigative agency.

A review of Town of Surfside, ordinance, specifically Article 2 (Parking), Division 3 (Municipal Off-Street Parking Facilities), Chapter 74-57, titled “Enforcement; windshield stickers” established that the Town Manager and, solely him, is “authorized and directed” to enforce pertinent provisions, sell and issue stickers or removable placards, designate parking areas, and to fix annual rates and charges.

Documents and Information included in the Case File for reference:

- Dina Goldstein’s recorded statement.
- All forms signed by Ms. Goldstein;
 - Suspension/Relieved of Duty with Pay Form,
 - Internal Affairs Administrative Statement IA Advisory to Police Employees Under Investigation,
 - Internal Affairs Sworn Affidavit,
 - IA Subject Employee Statement Form.
- Town of Surfside Ordinance 17-1660, titled “Honor Code.”
- Letter from Arthur T. Schofield, P.A. dated August 13, 2024.
- Pertinent Fair Labor Standards Act (FLSA).
- Article 21, titled “Hours and Overtime,” of the Bargaining Unit contract between the Town of Surfside and the Fraternal Order of Police (FOP).
- Town of Surfside Ordinance, Article 2 (Parking), Division 3 (Municipal Off-Street Parking Facilities), Chapter 74-57, titled “Enforcement; windshield stickers.”
- Email correspondence pertinent to this investigation;
 - From Holbrook dated September 24, 2024, “Source of PDF Creation,”
 - From Holbrook dated September 12, 2024, “Addition of Parking Investigation to Existing Investigation – Dina Goldstein,”
 - From Holbrook dated August 4, 2024, “Internal Affairs Investigations...” with all listed exhibits,
 - From Sanchez dated October 21, 2024, “Investigated Info” with all listed documents,
 - From Goldstein dated July 1, 2024, “New Payroll Procedures.”
- All documents shown to Ms. Goldstein during the interview not mentioned above:
 - Alberto’s Request for leave slip dated June 24, 2022, and August 8, 2019,
 - The Excel payroll sheet she prepared by Ms. Goldstein for Alberto from December 31, 2018, to April 28, 2024,
 - The correlating attendance sheets for Alberto and,
 - Alberto’s paycheck stub for the pay period which covered June 24, 2022.
- Town of Surfside Personnel Policies and Procedures Manual, May 2023.
- Town of Surfside Personnel Policies and Procedures Manual, March 2021.
- Agreement Between the Town of Surfside, Florida and the Florida State Lodge Fraternal Order of Police, October 1, 2022, through September 30, 2025.
- Other miscellaneous information.

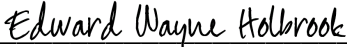
"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in SS. [112.532](#) and [112.533](#), Florida Statutes."

DocuSigned by:

E38624322159404
Investigator: Sargeant Osvaldo Ramos
Internal Affairs Unit Investigator

10/31/2024 | 8:56 AM EDT

Date

Signed by:

7F74A52C8C3A42F
Reviewed by: Wayne Holbrook
Assistant Chief of Police

10/31/2024 | 12:46 PM EDT

Date

Signed by:

F878695728140465
Approved by: Enrique Doce
Chief of Police

11/7/2024 | 1:30 PM EST

Date