



John A. Carey  
Inspector General

## OFFICE OF INSPECTOR GENERAL PALM BEACH COUNTY



Inspector General  
Accredited

*“Enhancing Public Trust in Government”*

# Investigative Report

## 2015-0007

### Palm Beach County Fire Rescue Testing

## September 21, 2015

Insight – Oversight – Foresight



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Inspector General

## OFFICE OF INSPECTOR GENERAL PALM BEACH COUNTY

### REPORT OF INVESTIGATION CASE NUMBER: 2015-0007

REPORT ISSUED: SEPTEMBER 21, 2015



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## FIRE RESCUE TESTING EXECUTIVE SUMMARY

### WHAT WE DID

On April 8, 2015, the Office of Inspector General received an anonymous complaint related to allegations involving Palm Beach County Fire Rescue (PBCFR) District Chief Javatis Midget.

The complaint alleged that District Chief Midget, as a Subject Matter Expert (SME) for the PBCFR Exam Development Committee, violated the Examination Development Security Agreement (EDSA) by simultaneously serving as a SME and conducting study sessions for PBCFR candidates who were eligible for the Captain's promotional exam. Based on the information provided by the complainant, the OIG initiated an investigation.

### WHAT WE FOUND

Although District Chief Midget acknowledged that he had been providing study sessions to candidates eligible for the Captain's promotional exam at a rate of \$50.00 per session, the allegation was **not supported**. County Human Resources Specialist III Paul Matteodo and County Fire Rescue Captain Amanda Vomero advised that promotional exam questions are not recycled; HR maintains the promotional exam in its entirety; and

no SME has access to all of the exam questions, except for the items for which they have provided input.

They further confirmed that each EDSA was valid for the promotional exam occurring in the year they were signed, as well as the next promotional exam.<sup>1</sup> District Chief Midget signed an EDSA in 2006, 2008, and 2010, with the 2010 EDSA covering promotional exams occurring in 2010 and 2012. Therefore, District Chief Midget's study sessions, which began in 2013, were not governed by the previous EDSA.

During the investigation, the OIG discovered additional information concerning PBCFR employees and their dual employment status. It appears that PBCFR employees are known to have secondary employment, to include these study sessions.

When the OIG questioned if District Chief Midget, or other employees, completed the dual employment notifications as required by the County, Captain and District Chief Midget indicated that they were not aware of the County's policy concerning dual employment.

<sup>1</sup> Pursuant to PBCFR's Collective Bargaining Agreement, promotional exams occur every two years.

**WHAT WE RECOMMEND**

We recommend the following corrective actions concerning the additional information section:

- Ensure all employees are familiar with the County's policies and procedures related to dual employment, and where required, PBCFR should ensure that the appropriate

documentation is obtained. *PBCFR Chief Jeffrey P. Collins concurred with the OIG's recommendations and would ensure that an informational / educational training process would be implemented and that this subject matter is tracked to "achieve one hundred (100%) compliance..."*

## BACKGROUND

On April 8, 2015, the Office of Inspector General (OIG) received an anonymous complaint alleging that Palm Beach County Fire Rescue (PBCFR) District Chief Javatis Midget, as a Subject Matter Expert (SME) for the PBCFR Exam Development Committee, violated the Palm Beach County Human Resources (HR) Examination Development Security Agreement (EDSA) by simultaneously serving as a SME and conducting study sessions for PBCFR candidates who were eligible for the Captain's promotional exam. Based on the information provided by the complainant, the OIG initiated an investigation.

## ALLEGATIONS AND FINDINGS

### Allegation:

***Palm Beach County Fire Rescue District Chief Javatis Midget, as a Subject Matter Expert (SME) for the PBCFR Exam Development Committee, violated the Palm Beach County Human Resources Examination Development Security Agreement (EDSA) by simultaneously tutoring PBCFR candidates who were eligible for the Captain's promotional exam. If supported, the allegation would constitute a violation of 3.05 D.; 7.02 D., of the PBC Merit Rules; Chapter 2, Article XIII, Section 2-443 (i), of the PBC Code; Article 18, Section 6. B., of the Collective Bargaining Agreement between Palm Beach County and Professional Firefighters/Paramedics of Palm Beach County, Local 2928, IAFF, Inc.; and the Palm Beach County Human Resources Examination Development Security Agreement.***

### Finding:

The information obtained ***does not support*** the allegation.

**When contacted by the OIG concerning District Chief Midget's involvement in the development of the Captain's promotional exam, while also providing study sessions for promotional exam candidates, Human Resources Specialist III Paul Matteodo<sup>2</sup>, as well as PBCFR staff members Captain Amanda Vomero<sup>3</sup> and Internal Affairs Captain David Toohey provided the following pertinent information:**

- A SME must sign an EDSA indicating that they will not disclose information pertaining to the exam to anyone. The agreement also states that "no member of the exam development committee will in any way coach, tutor or study with any current promotional candidate on matters relating to this exam including the next consecutive exam for this rank."

<sup>2</sup> Mr. Matteodo works in the Testing and Recruitment section of HR, with his primary responsibility involving employee assessment and development.

<sup>3</sup> Captain Vomero is responsible for recruitment and human resource development and works alongside the County's Human Resources Department to assist them with promotional exams, hiring process, and other tasks as it relates to equipment and/or personnel.

- District Chief Midget was a SME for the 2006, 2008, and 2010 Captain's promotional exam periods and signed an EDSA for each of those years.
- An EDSA is valid for the promotional exam occurring in the year they were signed, as well as the next promotional exam. District Chief Midget's EDSA signed in 2010 covered the promotional exams occurring in 2010 and 2012.
- Mr. Matteodo stated that promotional exam questions are not recycled. HR maintains the promotional exam, in its entirety, and no SME has access to all of the exam questions, except for the items for which they have provided input.
- Captain Toohey stated that PBCFR Internal Affairs also reviewed the same complaint and found no violations of PBCFR policies as District Chief Midget did not start conducting study sessions until 2013, after the most recent EDSA expired.



#### **Statement of Javatis Midget, Palm Beach County Fire Rescue District Chief**

District Chief Midget recalled his involvement as a SME in developing questions for the Captain's promotional exam in 2006 and 2008<sup>4</sup> and that he signed an EDSA for each period that he was involved. District Chief Midget was asked if he provided study assistance for anyone during the 2006 and 2008 promotional exam periods, to which he responded "no." District Chief Midget further explained that it was not until after receiving his promotion as District Chief (approximately 2013<sup>5</sup>) that he decided to assist with test preparation, since he was no longer involved as a SME. District Chief Midget stated that promotional exam questions change each year; therefore, he would not be knowledgeable about specific questions on the exams for which he was not a SME.

District Chief Midget stated that he began conducting study sessions for the Captain's promotional exam in 2013. According to District Chief Midget, at a rate of \$50.00 per session, he conducts study sessions at locations that are convenient for the candidates, such as local restaurants (Panera Bread, Whole Foods, etc.) or public libraries. District Chief Midget stated that he does not advertise his services and that candidates gain knowledge of his study sessions "by word of mouth." District Chief Midget stated that in no way would he "jeopardize [his] career" and reaffirmed that he has only helped others by preparing them for the promotional exam. District Chief Midget stated that during his study sessions, as a guide, he used study material provided to exam candidates by HR, as well as the study material used during his tenure as an instructor at Palm Beach

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<sup>4</sup> According to HR records, District Chief Midget was also a SME in 2010.

<sup>5</sup> According to HR records, District Chief Midget was promoted from Captain to District Chief on September 22, 2012).

State College.<sup>6</sup> District Chief Midget stated that his most recent study session was in 2014, during the last Captain's promotional exam period.

**The OIG reviewed the following documentation<sup>7</sup>:**

- District Chief Midget signed an EDSA on June 5, 2008, which was valid for the 2008 and 2010 Captain's promotional exam periods.
- District Chief Midget signed an EDSA on June 17, 2010, which was valid for the 2010 and 2012 Captain's promotional exam periods.

### ADDITIONAL INFORMATION

During this investigation, the following additional information was obtained by the OIG:

Pursuant to Rule 10 (Outside or Non-County Employment) of the County's Merit System Rules and Regulations<sup>8</sup>:

*B. Employees who intend to undertake [Outside or Non-County Employment] must submit written notification to their Department Head of their intent to accept outside work...The Department Head shall review the notification to ensure that no conflict exists.*

Mr. Matteodo, Captain Vomero, and District Chief Midget all indicated that it was a well-known practice for PBCFR employees to charge promotional candidates for training sessions. When Captain Vomero and District Chief Midget were asked if that practice conflicted with the County's dual employment policy, they both stated that they were not aware of any policy. District Chief Midget further explained that PBCFR was aware that he previously was employed as a Fire Academy instructor at Palm Beach State College for approximately ten or eleven years, while at the same time employed by PBCFR. District Chief Midget stated that he does not recall being required to provide notification of dual employment.

District Chief Midget stated that none of his duties related to his outside employment, whether as a Fire Academy instructor at Palm Beach State College or conducting study sessions for promotional exams, were ever conducted during his regularly scheduled work hours at PBCFR.

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<sup>6</sup> District Chief Midget advised that he had previously been employed as an instructor at Palm Beach College for approximately 10 or 11 years while maintaining his employment with the County.

<sup>7</sup> Mr. Matteodo confirmed that District Chief Midget signed an EDSA for the 2006 promotional exam period; however, per HR records retention schedules, the 2006 signed agreement is no longer available for review.

<sup>8</sup> Pursuant to Rule 1.02, Palm Beach County Merit System Rules and Regulations, "...employees of the Fire Rescue Department covered by the International Association of Fire Fighters bargaining units" are not subject to the County's Merit System Rules and Regulations; however those not covered by collective bargaining agreements are governed by these policies.



**RECOMMENDED CORRECTIVE ACTIONS**

Although the allegation was *not supported*, the OIG recommends the following corrective action pertaining to the Additional Information Section of this report:

1. Ensure all employees are familiar with the County's policies and procedures related to dual employment (Merit Rule 10), and where required, PBCFR should ensure that the appropriate documentation is obtained.

*PBCFR Chief Jeffrey P. Collins concurred with the OIG's recommendation and stated that he would ensure that an informational/educational training process would be implemented and that this subject matter is tracked to "achieve one hundred (100%) compliance..."*

**ARTICLE XII, SECTION 2-427**

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, on September 8, 2015 and September 9, 2015, District Chief Midget and PBCFR Chief Collins, respectively, were provided the opportunity to submit a written explanation or rebuttal to the findings as stated in this investigative report within ten (10) calendar days. Written responses (attached in its entirety) were received from both District Chief Midget and PBCFR Chief Collins, which stated the following:

- On September 8, 2015, District Chief Midget advised that he was "satisfied" with the OIG's report. (Attachment A)
- On September 18, 2015, PBCFR Chief Collins advised that he concurred with the OIG's recommendation and stated that he would ensure that an informational/educational training process would be implemented and that this subject matter is tracked to "achieve one hundred (100%) compliance..." (Attachment B)

Based on the responses received, no additional action is warranted.

# Attachment A



## Persephone Finley N.

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**From:** Javatis Midget  
**Sent:** Tuesday, September 08, 2015 1:19 PM  
**To:** Persephone Finley N.  
**Subject:** Re: 2015-0007 Subject Response

Read the report. I'm satisfied with it

Sent from my iPhone

On Sep 8, 2015, at 1:10 PM, Persephone Finley N. <[PFinley@pbcgov.org](mailto:PFinley@pbcgov.org)> wrote:

Mr. Midget:

You may send your response to me by email to this address, or you can mail it to the address below.  
Thank you again for coming in today.

Regards,

Persephone Finley  
Office of Inspector General  
Palm Beach County  
P.O. Box 16568  
West Palm Beach, FL 33416  
Office: 561-233-2350  
Hotline: 877-283-7068  
Fax: 561-233-2375

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To report waste, fraud or abuse, please send to: [inspector@pbcgov.org](mailto:inspector@pbcgov.org)  
Please visit our website at: <http://www.pbcgov.com/OIG>

We value your opinion. Please take a few minutes to share your comments on the service(s) you received from our office by sending an email to: [IGcomments@pbcgov.org](mailto:IGcomments@pbcgov.org).

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# Attachment B



**Fire Rescue**

Chief Jeffrey P. Collins  
405 Pike Road  
West Palm Beach, FL 33411  
(561) 616-7000  
www.pbcgov.com



**Palm Beach County  
Board of County  
Commissioners**

Shelley Vana, Mayor  
Mary Lou Berger, Vice Mayor  
Hal R. Valeche  
Paulette Burdick  
Steven L. Abrams  
Melissa McKinlay  
Priscilla A. Taylor

**County Administrator**

Verdenia C. Baker

**PALM BEACH COUNTY FIRE RESCUE**  
Inter-Office Memorandum

**DATE:** September 18, 2015  
**TO:** John Carey, Inspector General  
Palm Beach County  
**FROM:** Jeffrey P. Collins, Fire Rescue Administrator  
Palm Beach County Fire Rescue  
**RE:** Inspector General Investigation

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Pursuant to the Investigation pertaining to District Chief Javatis Midget, the recommendation is:

Ensure all employees are familiar with the County's policies and procedures related to dual employment (Merit Rule 10), and where required, PBCFR should ensure that the appropriate documentation is obtained.

I have reviewed the complaint and agree to train the entire department by developing an informational/educational document outlining the process for our employees to voluntarily notify the Department of outside employment. I will direct our Chief of the Training Division to place the training on our internal software tracking program to make sure we achieve one hundred (100%) percent compliance for viewing merit rule 10.

Should you have any further questions, please do not hesitate to contact me.

JPC/lc