

# Miami Herald

## Doral whistle-blower's federal court case to move forward



Former Doral City Manager, Joe Carollo (right), speaks at a press conference in 2013 as Mayor Luigi Boria stands beside him.

Roberto Koltun.

Discovery will proceed in the coming weeks after a federal court ruled in favor of Doral's ousted city manager, Joe Carollo.

Carollo was fired in 2014 after he alleged he was terminated in retaliation for reporting corruption and campaign finance violations by the mayor and two council members. He later sued, claiming that his termination violated his First Amendment free speech rights and Florida Whistleblower laws.

In a key ruling, U.S. District Judge Ursula Ungaro said that, with respect to the First Amendment violations, Carollo was acting as a private citizen, not a public employee and

allowed the case to move forward on that count as well as others. Last month the U.S. Court of Appeals for the Eleventh Circuit upheld her ruling.

Diana Fitzgerald, the attorney representing Carollo, said because her client "reported the mayor's wrongdoing in his capacity as a private citizen rather than as a public employee," he was entitled to whistle-blower protections.

"Was he acting as a citizen or acting on behalf of his job's duties? That's what the court will now examine," she said.

"A reasonable public official would have known at the time they terminated Carollo in retaliation for

speaking as a citizen who was exposing corruption that such termination would violate his first amendment rights," she said.

Carollo — the former mayor of Miami who served as Doral's city manager for 15 months — reported to the Federal Bureau of Investigations, ethics investigators and local law enforcement that council member Sandra Ruiz helped Mayor Luigi Boria violate state campaign finance mandates and that then-vice mayor Christine Fraga aided Boria in breaking financial disclosure laws.

He was then fired at a special meeting, with Boria, Ruiz and Fraga voting in favor and calling his actions "insubordination, intimidation and bullying." The meeting erupted at

times into shouting, name-calling, spontaneous boos and applause.

The three elected officials all denied the allegations of corruption and misconduct.

Soon after his termination, Carollo filed suit in federal court, saying the trio retaliated against him for speaking out against corruption. He is seeking reinstatement, lost pay, fringe benefits, damages and other costs.

Fitzgerald told the Miami Herald the appeals court "provided a very important guideline for other public officials in the future."

"It protects public employees' First Amendment rights when they're trying to act as whistle-blowers and report such information and corruption as they see it," she said. She said she and Carollo will amend the complaint with more detailed allegations against the mayor and two Doral council members.

Carollo served as Miami's mayor from 1998 to 2001.

Oscar Marrero, attorney for the elected officials, told El Nuevo Herald that Boria, like Ruiz and Fraga, will continue fighting the case in court.

"The members of the council are confident that they acted appropriately and will continue on the case," he said. "It will be defended aggressively."

Boria, Ruiz and Fraga are up for reelection on Nov. 8.