



**Miami-Dade Commission on Ethics & Public Trust**

**Investigative Report**

**Investigator:** Sylvia Batista

| <b>Case No.:</b>   | <b>Case Name:</b>   | <b>Date Open:</b> | <b>Date Closed:</b> |
|--|---|-------------------|---------------------|
| K13-045  |   |                   |                     |
| <b>Complainant(s):</b><br>Anonymous through<br>counsel Joseph<br>Rosenbaum, Esq. | <b>Subject(s):</b><br>Mayor Jim Cason<br>City of Coral Gables | 03/22/13          | 1/7/14              |

**Allegation(s):**

The COE received a letter on 03/22/13 from Attorney Joseph Rosenbaum on behalf of an anonymous client. The letter contains numerous allegations against Coral Gables Mayor Jim Cason (Cason). The allegations investigated herein are that Cason took no action on information provided to him alleging that Building and Zoning Department personnel had opened permits under a contractor's name without the contractor's knowledge, and have solicited money from a City resident in return for closing an open permit. Additionally, it was alleged by source that Cason violated the City Zoning Code by allowing church services inside the Miracle Cinema.

Multiple attempts to contact source for additional information have gone unanswered.

**Relevant Law:**

Conflict of Interest and Code of Ethics Ordinance, Sec. 2.11.1(g) *Prohibition on exploitation of official position.*



## **Investigation:**

### ***Interviews***

#### **08/22/13 – Patrick G. Salerno, City Manager –**

City Manager Patrick Salerno (Salerno) was interviewed regarding the subject allegations. Specifically, Salerno was asked about his knowledge of Cason's involvement in permitting church services inside the Miracle Cinema.

Salerno explained that the Miracle Cinema is a City-owned building which was leased to Actors' Playhouse Productions, Inc. (Actors') on 09/13/11. Actors' entered into a Facility License Agreement with Christ Fellowship Miami on 10/25/11 to hold religious services at the Miracle Cinema on Saturdays and Sundays. The City opposed Actors' agreement with Christ Fellowship Miami stating that religious services are not a permitted use under the terms of the lease agreement. However, the City and Actors' ultimately agreed to resolve the dispute by amending the lease agreement to allow the agreement between Actors' and Christ Fellowship Miami to continue for the remaining term of the agreement, which is 02/12/14. Salerno provided the COE with a copy of the Settlement Agreement between the City and Actors' which sets forth the above information.

Salerno said that the City Attorney has settlement authority from the City, and that Cason did not negotiate the agreement with Actors'.

#### **10/31/13 – Patrick G. Salerno, City Manager –**

Salerno was contacted regarding source's allegation that Cason had not investigated the information of illegal activity in the Building and Zoning Department. Salerno said that over a year ago, he was invited to a meeting with the Mayor where a resident showed up and an allegation regarding the unauthorized use of a contractor's name was discussed. Salerno said that he called the Office of the State Attorney (SAO) and met with one of their investigators. Salerno said that he turned over to that investigator the documents that he had been given at the meeting. Salerno said that he spoke to the investigator, whose name he does not recall, one time after giving him the information.

Salerno said that he does not recall ever hearing about a Building and Zoning official soliciting money in return for closing an open permit. Salerno said he would make some inquiries.

#### **11/06/13 – Patrick G. Salerno, City Manager –**

Salerno was advised of the allegation made herein asserting that Cason had been informed of wrongdoing by Building and Zoning Department (B&Z) personnel, but had not taken any action to investigate the allegations. Salerno said that he is aware of reported illegal activity in B&Z involving the unauthorized use of a contractor's name, but has no knowledge of allegations of solicitation of bribes by B&Z personnel. Salerno said that if Cason had known of possible solicitation of bribes by B&Z personnel, he would have told him.

Salerno described how he and Cason heard about the allegations related to the unauthorized



use of a contractor's name. Salerno explained that over one year ago, some residents called and asked to meet with the Mayor. Salerno attended the meeting at Cason's request. They listened to two residents say that they know of a roofing contractor who reported that his company's license was used by another company to close out permits at B&Z. The residents gave Salerno and the Mayor the name of the person who had given them the information. Salerno does not recall the names of the residents. Salerno said he called the person and met with him. According to Salerno, the person's name is Andrew. Andrew claimed that the roofing company he worked for was being used for the license by other contractors, and not doing the work. Andrew said that he suspected something was wrong when he received a check in the mail from the City reimbursing him for a bond on a job he had not done. Salerno explained that Andrew gave him a file folder with copies of numerous permit applications which he claimed were not done by his company. The name of his company is South Miami Roofing. Salerno explained that Andrew said, "I'm bringing it to your attention, I don't trust anyone." Andrew asked that the information be kept confidential because, as a contractor in the City, he has developed good relations in B&Z that he would like to preserve. Salerno said he agreed to look into it. Salerno acknowledged that the man's last name is probably "Malahoo", since this is the only name found inside the file folder.

Salerno said that he gave the information to an investigator from the State Attorney's Office. The investigator gave him a receipt for the documents and said that he would be in touch. Salerno's copy of the Property Receipt reflects that the investigator who received the information from Salerno is Richard Burton with the SAO.

One or two weeks later Salerno said he heard from Andrew who wanted to know what he had done with the information. Salerno said that he told Andrew that he had met with an investigator from the SAO. Andrew became very upset at this and wanted to know why he had gone to law enforcement and not looked into the matter himself. Salerno said that he apologized and told him that this is how he decided to take care of it. Andrew asked for the documents back, and Salerno told him that the documents were now part of an investigation and therefore confidential. Salerno said that he told Andrew that the investigator wanted to talk to him and gave him the contact information. Salerno had one more conversation with the investigator who told him that something is strange about the complainant.

Salerno said that he does not know the outcome of the investigation, or whether anything was done at all. Salerno said that he did not tell Cason what he had done with the information. He only told Cason that he had taken care of it. Salerno said that Cason does not get involved in the administrative issues of the City.



***Document/Audio/Video Review:***

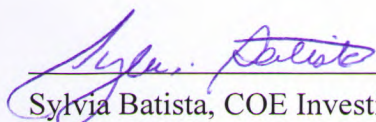
09/17/13 – Review of Settlement Agreement dated 10/05/12 reflects that the City and Actors’ agreed to allow Actors’ to enter into the License Agreement with Christ Fellowship Church. The License Agreement allowed the church to conduct religious services at the Miracle Cinema on Saturday and Sunday for the remaining term of that agreement.

11/07/13 – The documents given to Salerno by Andrew were produced by the City in response to Andrew’s public records request. The documents consist of permit applications for South Miami Roofing from June 2001 to December 2011. All of the permit applications provided list South Miami Roofing as the contractor, and reflect the signature of George A. Burns as the qualifier. A corporate search of South Miami Roofing lists George A. Burns and Andrew Malahoo as managers of South Miami Roofing.

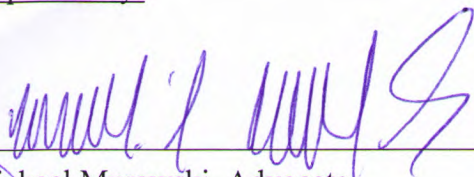
Furthermore, a search of Florida licensed roofing contractors reveals that George Burns is a registered roofing contractor and the primary qualifying agent for South Miami Roofing. Andrews Malahoo is a certified roofing contractor, eligible for the exam, but not a qualifying agent.

**Conclusion(s):**

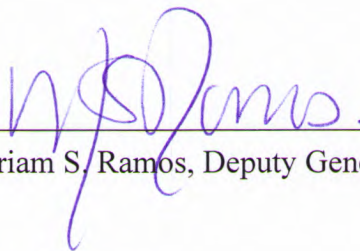
In view of the documents and statements obtained in this investigation, it appears that there is no evidence to support the allegation that Cason violated City zoning laws by permitting religious services at the Miracle Cinema, or neglected his official duties for not reporting allegations of illegal activity in the Building and Zoning Department. It should be noted that the State Attorney’s Office also reviewed this matter and their conclusion agrees with ours. For this reason, this matter is closed without further action.

  
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Sylvia Batista, COE Investigator

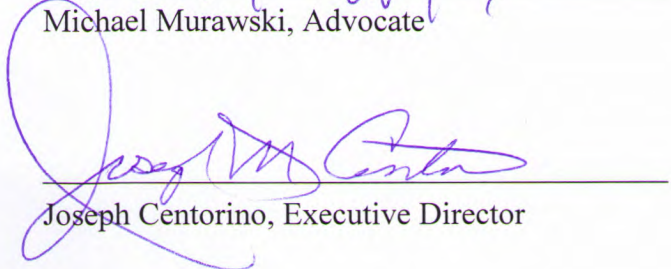
Approved by:



Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director



Date