



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

**Investigative Report**

**Investigator:** Robert Steinback

<b>Case No.:</b> PI 13-033	<b>Case Name:</b> Rodriguez	<b><u>Date Open:</u></b>	<b><u>Date Closed:</u></b>
<b>Complainant(s):</b> Anonymous	<b>Subject(s):</b> Lourdes Rodriguez	October 28, 2013	

**Allegation(s):**

Complainant states that he went to the Town of Miami Lakes' building department to file a complaint regarding code violations at a specific property. He alleges that his complaint paperwork was received by subject Lourdes Rodriguez (Rodriguez), permit supervisor for the Town, and that she threw it in the garbage. Complainant also alleges that he was issued a warning by the town about his roof being dirty and in poor condition, even though he claims that other nearby houses were in worse condition, suggesting that he had been unfairly targeted. Complainant alleges that building officials for the town abused their official positions.

**Relevant Ordinances:**

Complainant alleges violation of Sec. 2-11.1 (g) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance: *Exploitation of official position prohibited*.  
"No person included in the terms defined in Subsections (b)(1) through (6) and (b)(13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners."

**Investigation:**

*Interviews*

**Lourdes Rodriguez**, Permit Supervisor, Town of Miami Lakes, on January 13, 2014, 3:30 p.m. at Miami Lakes Town Hall

**Summary of interview**

This investigator and Investigator Breno Penichet met with Rodriguez in her office. After describing the allegation to her, Rodriguez said that her job does not include receiving code enforcement complaints from the public, and as such had no recollection of any such incident. She checked her internal computer files, and discovered that the property about which the complainant was concerned did have a number of code violations on record, but nothing of the sort suggested by the complainant.

Rodriguez looked at a list of neighbors of the subject property compiled by the COE investigator in hopes of identifying a neighbor who might be known as a chronic complainer, but she did not recognize any of the names.

Rodriguez also checked her files for any recent roof warnings delivered in the vicinity of the subject property, but found none.

Asked if the complainant might have confused her with some other town staff member, Rodriguez noted that there was another Lourdes, last name Sosa (Sosa), who worked in the building department and might have encountered the complainant. The COE investigators went to talk with Sosa.

**Lourdes Sosa**, Code Compliance officer, Town of Miami Lakes, January 13, 2014, at her office.

**Summary of interview**

The COE investigators talked with Sosa, who had no recollection of any encounter as described in the complaint. She noted that several dozen houses throughout the town had been issued warnings about dirty or worn roofs as part of a coordinated campaign, and that the anonymous complainant might have coincidentally received one.

## *Analysis*

This complaint began as an anonymous call taken by COE investigator Penichet. He described the call thus: “The complainant advises that he went to the Town’s building department in order to file a Code Compliance complaint against a neighbor that was building an apartment without permits, an illegal unit, at 8935 NW 164 Street, Miami Lakes.” He advised that he spoke to Rodriguez, Permit Supervisor, about the matter and she took his complaint paperwork and threw it in the garbage. The caller also advises that he was issued a warning for his roof being dirty and in poor condition, but yet other houses in his area have worse roofs and nothing happens to them. Caller feels the members of the code compliance department are abusing their official position.

Investigator Penichet, who personally knows the subject Rodriguez, asked the caller to describe the woman who allegedly threw out his complaint, but the caller could provide no description beyond her being “a Spanish lady.” Investigator Penichet also said the caller seemed to be someone who frequently interacted with town personnel.

There has been no further contact with the complainant since that call.

The property identified in the complaint is a single family home. Town records show that a permit was drawn to replace an interior door in 2012, but otherwise, there has been no indication of renovation work that might indicate the building of an apartment. It should be noted, however, that upon driving by the property on a Monday evening around 5 p.m., this investigator observed five vehicles parked in front, an unusual number of cars for a three-bedroom, two-bath single family home of just under 1,700 square feet.

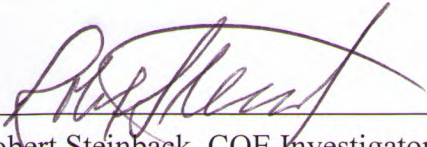
Since the complainant identified himself as a neighbor, this investigator compiled the names of the owners of the homes surrounding the subject property, but Rodriguez said she did not recognize any of the names as a possible chronic complainer.

Rodriguez said her job does not call for her to take citizens’ complaints, but that another employee named Lourdes, last name Sosa, sometimes does. On the chance that the complainant may have directed his complaint at the wrong Lourdes, the COE investigators interviewed Sosa as well. She, too, had no recollection of any such event, and furthermore stated that it would be irrational to treat a code complaint in such a manner when that is the precise job of her department.

Without access to the complainant, several key questions remain unanswered, including, why did the complainant suspect an illegal apartment was under construction; how did he know there was no permit for the alleged construction; why would a town employee whose job is to receive complaints allegedly refuse to accept his; and why did he believe none of his neighbors with non-code compliant roofs didn’t receive warnings even though he did.

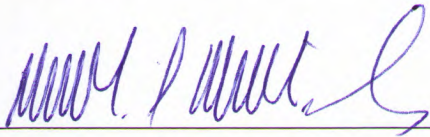
**Conclusion(s):**

In the absence of further input from the complainant, there is no evidence that any town employee acted in the manner described in the complaint, and no evidence of a code violation at the subject property that is consistent with the allegation identified in the complaint. Wherefore, this Preliminary Inquiry should be closed with no further action.

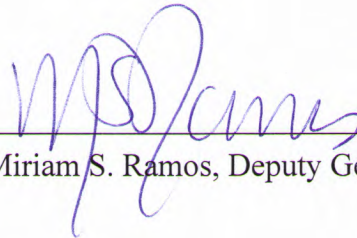


Robert Steinback, COE Investigator

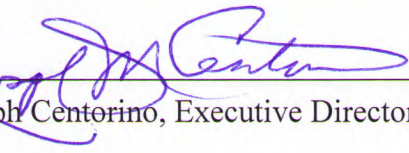
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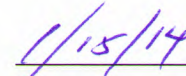
Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director



Date