



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Breno Penichet & Manuel Diaz

**CASE  
CLOSED**

<b>Case No.:</b> K14-016	<b>Case Name:</b> City of Miami Inspector recommending services	<b><u>Date Open:</u></b>	
<b>Complainant(s):</b> Anonymous	<b>Subject(s):</b> Juan Calderin Elevator Inspector	February 11, 2014	<b>Date:</b> <del>7/28/14</del>

Allegation(s):

The COE received an anonymous complaint from a concerned citizen advising that a City of Miami elevator inspector may be taking advantage of his position by recommending a particular company to perform inspections on equipment that has been cited. According to the complainant, the inspector makes it a point to name a specific elevator repair company, claiming that using their services can get violations resolved faster and without penalty.

Relevant Ordinances:

The applicable ordinance is the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1, subsection (p) *Prohibition on Recommending professional services*. "No person included in the terms defined in subsections (b)(1) through (6) may recommend the services of any lawyer or law firm, architect or architectural firm, public relations firm, or any other person or firm, professional or otherwise, to assist in any transaction involving he County or any of its agencies, provided that such recommendation may properly be made when required to be made by the duties of office and in advance at a public meeting attended by other County officials, officers or employees."

## Investigation:

COE Investigators reviewed the original allegations and according to the caller, Juan Calderin (Calderin) who is the only elevator inspector<sup>1</sup> in the City of Miami (City) is allegedly recommending “Sun Coast Elevator Repair, Inc.” (Sun Coast) to persons that are cited; he tells them that if they use Sun Coast their citations and fines would be set aside. The complainant also claimed that Calderin did not have the proper training or knowledge to conduct inspections.

The anonymous source also advised that Calderin was requesting monetary payment or gifts in order to overlook certain violations.

During the course of the investigation, a second anonymous phone call was received advising that a building manager named Marie LNU, 221 NE 34 Street, Miami, Florida was contacted by Calderin and Calderin referred her to Sun Coast . The second caller also advised that he confronted Calderin in his office with the Building Official present, but no action was taken.

COE Investigators checked Sun Biz and found that Calderin was not a principal in any active company at this time. A check of DBPR web site did not reveal any active complaints with the State of Florida.

## Interviews

Sergeant George Law  
Miami Police Department Internal Affairs Section  
1313 NW 36<sup>th</sup> Street  
Miami, Florida 33142

Sergeant George Law (Law), Miami Police Department Internal Affairs Unit (IA), voluntarily agreed to be interviewed and provide information concerning a similar anonymous complaint received by the IA unit. The anonymous complaint(s) in that case alleged that Calderin was requesting monetary payment or gifts in order to overlook certain violations. Also, according to the caller, Calderin was recommending Sun Coast to the persons that were cited, and telling them that if they used Sun Coast their citation and fines would be set aside.

Law advised that a preliminary investigation was conducted including limited surveillance with negative results. Law further advised that case was closed. COE investigators reviewed the file, but no useful information was found.

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<sup>1</sup> As of the closing date of this report, there are two (2) elevator inspectors now working for the City of Miami Building Department.

Robert Calderon  
Facility Manager  
United Way of Dade County

Robert Calderon (Calderon) voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegation, Calderon advised that he was never approached by Calderin or any other member of the City of Miami Building Department and told to use a particular company. Calderon further advised that on one occasion he asked Calderin for his input on which contractor to use for a specific project. Calderin informed Calderon he could not recommend any one, but cautioned Calderon to do his homework and check the work records of all the companies he planned to use. Calderon advised he has always had very good rapport with the City personnel.

Maurice Pons  
Assistant Director Building Dept.  
City of Miami

Maurice Pons (Pons) voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegation, Pons advised that he personally has never received any complaints against Calderin. Pons advised that Calderin is fully certified to conduct the elevator inspections and site plan review. Pons advised the department does not permit inspectors to recommend any particular company or contractor, there is no list given to any one with the names of City approved companies. Pons advised the department only deals with State certified repair companies and contractors.

Peter Iglesias  
Building Official  
City of Miami

Peter Iglesias (Iglesias) voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegation, Iglesias advised that he has received one complaint against Calderin. Iglesias advised that he met with the complainant and Calderin and the complaint was resolved by allowing an extension to the paperwork that was to be turned in. Iglesias advised Calderin is fully certified to conduct elevator inspections, and site plan review. Iglesias confirmed the department does not permit inspectors to recommend any particular company or contractor; there is no list given to any one with the names of City approved companies. Iglesias advised the department only deals with State certified repair companies and contractors.

Juan Calderin  
Elevator Inspector  
Building Department  
City of Miami

Calderin voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegation, Calderin advised he is the only elevator inspector in the City at this time. Calderin advised that he receives the complaints against buildings or elevators in several ways; the most common is phone calls from citizens and from the State of Florida. Calderin advised that he goes to the location and conducts an inspection, and if needed he cites the building. Calderin advised that he meets with the owners or management and gives them a set time to repair the unit; in the case of two or more elevators the time to fix the problem is a little longer. In the case of only one elevator then he gets the building official, code compliance and Fire Department involved in order to get the work done faster. Calderin advised that he did have a complaint filed against him, but it was resolved by granting an extension of time to turn in the required paperwork. Calderin advised he is fully certified to conduct elevator inspections and site plan review. Calderin advised the department does not permit inspectors to recommend any particular company or contractor, there is no list given to any one with the names of City approved companies. Calderin advised the department only deals with State certified repair companies and contractors. Calderin checked the City data base and did not find any violations for the address listed as 221 or 241 NE 34 Street.

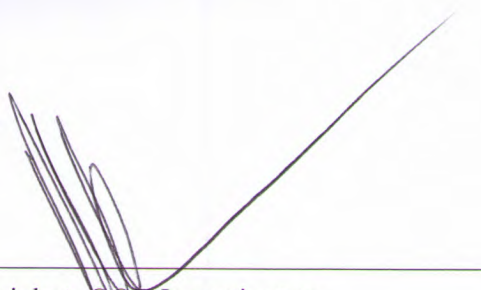
***Document/Audio/Video Review:***

1. Accurint report for Juan Calderin
2. City of Miami employee file for Calderin
3. Florida Records of Corporations "Sunbiz"

**Conclusion(s):**

There is no evidence to establish that Calderin engaged in any "quid pro quo" arrangement with Sun Coast, or intervened on behalf of any person concerning their citations. There is also no evidence that Calderin exploited his official position or recommended any professional service to obtain any type of compensation. These allegations were also investigated by the Internal Affairs Unit of the City of Miami Police Department, and it was determined that there was insufficient evidence to support the allegations against Calderin.

After discussion with COE Advocate Michael Murawski, he advised that no further action would be taken. Accordingly, it is recommended that the above case be closed without further action.

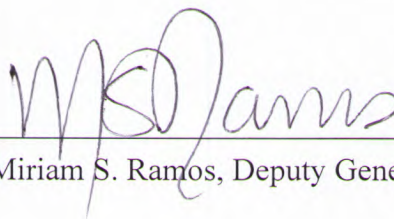


Breno Penichet, COE Investigator

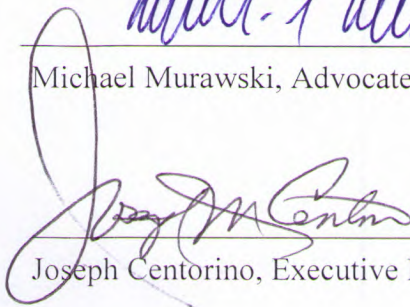
Approved by:



Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director

7/28/14

Date Closed