

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K #: K12-047

Date Opened: March 14, 2012

Date Closed: May 29, 2012

Name of Investigator: Manuel W. Diaz

Allegation:

The COE received an anonymous letter alleging that three Miami-Dade Internal Services Division (ISD) employees: Roy Lopez (Lopez), Carlos Quevedo (Quevedo) and Mauro Hidalgo (Hidalgo), may have violated Miami-Dade County (MDC) ethics rules by engaging in outside employment without permission, selling scrap materials, profiting from the sale of the materials, and violating other County work rules.

Specifically, it was alleged that:

1. Quevedo sold scrap copper and split the profits among selected employees.
2. Lopez, Quevedo and Hidalgo stole Freon tanks from the County.
3. Hidalgo worked for private companies during county work hours.
4. Hidalgo ordered replacement parts for air conditioning units that did not need replacing.
5. Hidalgo did not adhere to his work schedule.
6. Quevedo is aware of Hidalgo's activities and profits from Hidalgo's activities.
7. Lopez is aware of Quevedo's and Hidalgo's activities.
8. Lopez is engaged in nepotism as his wife works for an outside contractor.

The letter also alleges that un-named employees purchased tools and supplies at Tropic 17, a County approved vendor and used the tools and supplies when working for private companies and that the employees work for the private companies during MDC work hours.

The letter also alleges that a portion of the profits realized as a result of the sale of scrap copper by Quevedo is deposited into a special account for the members of the Board of County Commissioners (BCC).

The correspondence was also sent to a number of County officials including, Lester Sola (Sola), Director, MDC Internal Services Division.

Applicable Legislation

Miami Dade County Conflict of Interest and Code of Ethics Ordinance , Sec. 2-11.1

(c) Prohibition on transacting business within the County.

(1) No person included in the terms defined in Subsection (b)(1) through (6) and in Subsection (b)(9) shall enter into any contract or transact any business, except as provided in Subsections (c) (2) through (c)(6), in which he or she or a member of his or her immediate family has a financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County, and any such contract, agreement or business engagement entered in violation of this Subsection shall render the transaction voidable. Willful violation of this Subsection shall constitute malfeasance in office and shall effect forfeiture of office or position.

(g) 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.

(k) Prohibition on outside employment.

(2) All full-time County and municipal employees engaged in any outside employment for any person, firm, corporation or entity other than Miami-Dade

County, or the respective municipality, or any of their agencies or instrumentalities, shall file, under oath, an annual report indicating the source of the outside employment, the nature of the work being done pursuant to same and any amount or types of money or other consideration received by the employee from said outside employment. Said County employee's reports shall be filed with the Supervisor of Elections no later than 12:00 noon on July 1st of each year, including the July 1st following the last year that person held such employment. Municipal employee reports shall be filed with the clerk of their respective municipalities. Said reports shall be available at a reasonable time and place for inspection by the public. The County Manager or any city manager may require monthly reports from individual employees or groups of employees for good cause.

Investigation:

1. Sola was contacted. He advised that he had received a copy of the correspondence and had referred it to investigators at MDPD, Public Corruption (MDCPC).
2. Detective Alejandro Baldor (Baldor), MDCPC, was contacted. He advised that he would be interviewing Lopez, Quevedo and Hidalgo and that his department would handle the criminal aspects of the investigation. Baldor invited the COE to attend and participate in the interviews of Lopez, Quevedo and Hidalgo, to determine if there were any violations of Sec. 2-11.1.
3. On May 22, 2012, this investigator assisted MDCPC Detectives Baldor and Luis Rodriguez with the interviews of Lopez, Quevedo and Hidalgo. The interviews were conducted independently at the Miami-Dade General Services Administration Division (GSA) building located at, 3501 NW 46 Street. Lopez, Quevedo and Hidalgo were not advised as to the purpose of the interviews. The statements were sworn and recorded by a MDPD stenographer.

Summary of the Lopez' interview:

Lopez is a HVAC Supervisor, Quevedo is a Lead worker and Hidalgo is an air-conditioner mechanic. Both work under his supervision.

Lopez advised that he is the owner of a Florida For Profit Corporation,

“Total Temp Services, Inc.” His business office is his located within his residence. Lopez has permission for outside employment. He advised that he is the sole owner and does not have any employees. He stated that he does no work for the County.

Lopez described both Quevedo and Hidalgo as good employees. Hidalgo was recently recognized as the division’s employee of the year. The award generated resentment among other division employees. One of which may have sent the correspondence, he hypothesized.

Lopez denied the allegations and advised that he had no knowledge of any unnecessary work at County buildings to generate scrap materials which could be sold. Neither did he know of any employee theft. Lopez explained that scrap metals, such as that generated by the replacement of air-conditioner coils are sold as to County authorized vendors. All sales are recorded by the department and the revenue is deposited with County. He offered the records as available for inspection.

Concerning the work done at the MDPD Building, he advised that the work was done as regularly scheduled maintenance for a number of air-conditioner units located at the building. He also advised that the building used a water-chill system and no Freon was used at the building.

He advised that he had no knowledge of any employees working private jobs during their regular work hours. Lopez commented that this scenario is highly unlikely because employees are dispatched to their assigned work in County vehicles and the vehicles are equipped with GPS locators. The movements of the vehicles and employees are recorded. He further advised that employees are aware that their vehicles are equipped with the tracking devices and that their travels are monitored. According to Lopez, air-conditioning mechanics, such as Hidalgo, usually work independently and do not know where other air-conditioning mechanics are assigned.

Lopez advised that employees are given approximately \$500.00 to purchase tools by the County. He is not aware of any policies that prohibit the uses of the tools beyond the work place.

Summary of Carlos Quevedo's interview:

Quevedo advised that he is a lead worker but is not considered a supervisor. He spends approximately 90% of his time in the office. He assigns work, reviews invoices and compiles job reports and time sheets.

Like Lopez, Quevedo advised that he was not aware of any theft of materials, specifically copper coils. He explained that all scrap metals are returned to the GSA building, placed in a bin adjacent to the main building and sold to an authorized County vendor. He advised that records of the sales are available.

Quevedo advised that he reviews the daily time sheets for many of the air-conditioning mechanics. He said that many of the mechanics have poor writing skills and find the time sheets difficult to complete accurately. He fills out the location and what job is to be performed. The mechanic will complete the sheet by entering the number of hours worked.

Quevedo clarified that purchases of air-conditioning parts by air-conditioner mechanics must be pre-approved. On site, if a mechanic needs to replace a part, the mechanic must either contact him (Quevedo) or Lopez. All purchases are made through purchase orders. Vendors will not provide parts to air-conditioning mechanics without a purchase order number. Purchase order numbers are issued by the department after approval. Purchase order numbers correspond to job invoices. All invoices are reviewed by either himself or by Lopez for accuracy. He advised that employees cannot use County purchase orders to purchase personal items, such as tools.

Summary of Mauro Hidalgo's interview:

Hidalgo is an air-conditioner mechanic. He denied the allegations in the letter. He advised that he believed that fellow employees who were upset at him and his recognition as employee of the year sent the letter.

He said that he has no outside employment. He also denied any knowledge of any thefts of materials or scrap metal from the County. He advised that all scrap metals removed from the work sites are returned to the GSA work yard and placed in storage bins. He is not involved in the sale of the scrap metals. He advised that Lopez should be contacted for any particulars as to the disposal of the scrap metals.

Hidalgo conceded that he has had disagreements with other employees. To avoid confrontations he does not converse with other employees and works primarily by himself. Hidalgo advised that he does not have any outside employment, nor has he ever worked for private companies, during his County work hours.

Summary of Jose Perez' interview:

Perez is ISD Division Director (GSA). Perez was interviewed after the interview of Lopez, Quevedo and Hidalgo. Perez, in previous conversation with Detectives Rodriguez and Baldor, agreed to review invoices submitted by the division. He reviewed the invoices and found no discrepancies. Perez also reviewed the disposal process for surplus items, including the copper referred to in the complaint. He advised that he found no discrepancies.

Perez confirmed that there is resentment among the workers in the ISD concerning the selection of Hidalgo as employee of the year. He advised that he is taking measures to address the problem.

Perez agreed to provide Detectives Rodriguez and Baldor with records reflecting the disposal of surplus copper and copies of check issued by the vendor reflecting the disposal of the copper, along with the purchases made by the division at Tropic supply T7. The detectives will review the records for possible indications of theft.

4. Research

- a. Lopez is the Registered Agent and sole officer for Total Temp Services, Inc. The for-profit corporation lists Lopez' home address. Neither Lopez nor is Total Temp Services, Inc. registered with the County as a vendor.
- b. Lopez received approval for outside employment in 2011. He advised that he applies for permission yearly.
- c. Lopez is married to Isabel Lopez. She is not registered with the County as vendor. The Florida Division of Corporations shows no current listing for Isabel Lopez.
- d. MD Human Resource indicates that an Isabel Lopez works in the ISD. However, she has a different birth date than Lopez' wife.
- e. Quevedo is not registered with the Florida Division of Corporations.
- f. Hidalgo is not registered with the Florida Division of Corporations.
- g. The County's labor agreements include annual tool purchase provisions for selected employees. Quevedo and Hidalgo are covered by the labor agreement.

CONCLUSION:

Finding no evidence to substantiate a violation of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, this investigation is closed without further action. If MDPD review develops any leads to a criminal prosecution, it will be handled by MDPD.