

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K 13-005

Date Opened: January 11, 2013

Date Closed: March 11, 2013

Name of Investigator: Breno Penichet

Allegation:

City of Miami Beach Code Compliance Inspector may be showing favoritism by not applying the law equally to all parties in the same condominium complex.

Applicable Legislation:

Section 2-11.1(g), *Exploitation of Official Position Prohibited*, Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

Investigation:

Information received from Stephanie Harris (Harris) alleging that Adrian Avalos (Avalos), Code Compliance Inspector for the City of Miami Beach (City), is not being fair when he issues violations at the "Lincoln Mews Condominium."

Interview of Stephanie Harris: Complainant
1525 Lenox Ave, Apt. 1
Miami Beach Fl. 33139
(786) 709-8115

Harris was interviewed at her home, by Investigators Diaz and Penichet. She voluntarily provided the following information. Harris advised that she purchased the apartment building

and did a conversion to condominium, she further stated that as the developer she owns three (3) units (Units-1, 2 & 6); units 3, 4 and 5 have individual owners. Harris further stated that since the beginning she has been having problems with the City and afterward with the owners in units 3 and 4. She provided documents showing citations issued by the City, through Avalos. Harris advised that when she sold the units 3 and 4 the owners removed interior walls which caused a terrace that is part of her unit on the second floor to begin a long process of deterioration. This was exacerbated by a wall A/C unit that was improperly installed and began to leak water into what Harris described as foam between the terrace and a concrete slab that made up the ceiling over units 2, 3, 4 and 5.

COE Investigators were shown the area that Harris was talking about. Harris also provided documents in an attempt to support her complaint. Harris stated the condo association (Lincoln Mews) is also in legal dispute because of the problems being created by the City's actions. Harris believes that Avalos abused his position when he closed the cases involving the other units, knowing full well they were the cause of her problems.

COE Investigator Penichet reviewed the paper work (violations) provided by Harris and along with Investigator Diaz. conducted an inspection of the common areas and the area Harris refers to as the terrace.

Interview of Adrian Avalos: Senior Building Inspector
City of Miami Beach
Building Department
1700 Convention Center Drive
Miami Beach Fl. 33139
(305) 673-7610 Ext: 6045

COE Investigator Penichet interviewed Avalos in his office. He voluntarily provided the following information. Avalos advised that he is very familiar with the property in question. He has cited the property on several occasions for different violations of the South Florida Building Code (SFBC) and violations of the City of Miami Beach Code (CMBC).

Avalos stated the property has six (6) units that are owned by individual owners, Harris being the owner with the most units three (3). According to Avalos, Harris was the developer; she converted the building from rental to condo. Avalos advised the City has no say in the problems that Harris claims she is having with forming the Condominium Association that is controlled by the State of Florida.

Avalos provided copies of the most current violations to the property, they are explained below.

1. **BV12000627 Violator: Stephanie Harris Unit#1**, Roof system used in what appears to be a terrace not approved to be used as a walk able floor finish system. Still open waiting Special Master Hearing set for 3/14/2013.

2. **BV12000626 Violator: Nikolay V Tzolov Unit# 4**, Installation of washer and dryer and instant water heater without permit. Owner is restoring unit back to the way it was approved by City.
3. **BV 12000608 Violator: Lincoln Mews Condominium Inc.** Water intrusion into unit #4, from the outside of unit. Water coming upstairs terrace area, case referred to Special Master.
4. **BV 10000341 Violator: Augusto A Failde Unit #3**
Interior renovation without permits, new closed, new kitchen, new electrical panel, new water heater, new washer & dryer, and security cameras. Violation was closed complied.

Note: BV 10000799 was also issued for the same violations but was closed.

After reviewing all the documents and pictures it appears that Avalos followed proper procedures.

All documents were made part of this file.

Conclusion:

Advocate Michael Murawski advised that no further action would be taken since there does not appear to be any Ethics related violations. Accordingly, the instant case is closed without further action.