



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Breno Penichet

CASE

Case Number: K 15-030	Case Name: City of Sweetwater Public Works Department	Date Open: April 14, 2015	CLOSED
Complainant(s): Anonymous	Subject(s): Antero Espinosa Jorge Gonzalez	Date	10/13/2015

Allegation(s):

The COE received information concerning a former employee for the City of Sweetwater's maintenance department, Jorge Gonzalez (Gonzalez) who owned a company that contracted with the city for sidewalk repair work, and he did not disclose his interest in the company. Gonzalez and his former supervisor who authorized the work, Antero Espinosa (Espinosa) were terminated from city employment. The caller advised there were rumors that Gonzalez and Espinosa were going to be reinstated by action of the City Commission, due to the fact that Espinosa is related by marriage to one of the City Commission members.

Relevant Ordinances:

Exploitation of official position, Sec. 2-11.1(g), Miami-Dade Conflict of Interest and Code of Ethics Ordinance:

Investigation:

Interviews

COE Executive Director Joe Centorino (Centorino), received information concerning the case of former City of Sweetwater employee Gonzalez, who owned a company J&G Corporation (J&G) a Florida registered for profit company, that got paid to do repairs on sidewalks and other work for the city. Gonzalez did not disclose that it was his company. The caller also provided information on Gonzalez' former supervisor who authorized the work, Director of Maintenance Espinosa.

Centorino discovered that the State Attorney's Office Public Corruption Unit was investigating the matter. COE Investigator was requested to contact ASA Robert Fiallo (Fiallo) and inquire as to the status of the investigation.

According to Fiallo the investigation has now been closed, and the SAO is not filing charges for lack of evidence. In the SAO close-out memo Fiallo stated that SAO task force investigator Frank Castillo (Castillo) was able to track down payments made to J&G of approximately \$130,000, for repair work that could not be fully verified because of the passage of time.

According to the close out memo, Jorge Gonzalez admitted in a sworn statement that he became a City vendor, and that his company J&G, between 2009 and 2010 had billed the city in forty-one (41) separate invoices for sidewalk and other repairs totaling over \$12,000. The investigation also showed that all the invoices were approved by Department Director Espinosa and then Mayor Manuel Morono.

Fiallo was asked if it had come to his attention that Commissioner Isolina Marono was looking to bring back the two employees claiming that it was because the SAO cleared them of any wrong doing.

Antero Espinosa is Commissioner Isolina Morono's brother-in-law.

Fiallo advised that he did not have any information concerning that allegation. Fiallo provided a copy of the close out memo.

Mr. Ralph Ventura
Chief of Staff to the Mayor
City of Sweetwater

Mr. Ralph Ventura (Ventura) Chief of Staff for the new Mayor- elect (Lopez) was contacted and advised of the nature of the investigation. Ventura voluntarily agreed to meet with COE investigator and provide information regarding the investigation. Ventura advised that to his knowledge there was no plan to reinstate Gonzalez or Espinoza. According to Ventura the policy is for the Mayor to nominate the person to be hired and the Council votes on whether to hire or not. Ventura advised that he would verify and advise. Ventura later contacted this Investigator and advised that per the Mayor there would be no reinstatement of Gonzalez or Espinoza.

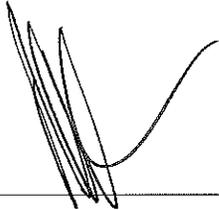
Document/Audio/Video Review:

1. State Attorney's office close-out memo by ASA Robert Fiallo, dated 2/17/2015
2. Miami Herald article "Sweetwater worker fired for creating company on City time" dated 7/29/2014.
3. Sworn Statement of Jorge Gonzalez, 7/30/2014

Conclusion(s):

As a result of the interviews, and the review of the documents provided, it appears that Gonzalez did use his company to work for the City as a vendor. The investigation also revealed that Espinoza did authorize along with Mayor Manuel Morono all the payments made. All the information was provided to the Advocate for review and further action. Advocate Michael Murawski advised that the initial inquiry into Gonzalez and Espinosa was closed after it was learned that both employees had been terminated from City employment and the case was turned over to the SAO for possible criminal prosecution. The SAO declined prosecution citing problems with proof as to what work was and was not done. The three year statute of limitations for any ethics violations has expired. Accordingly, it is recommended that this matter be closed with no further action.

(Signature)

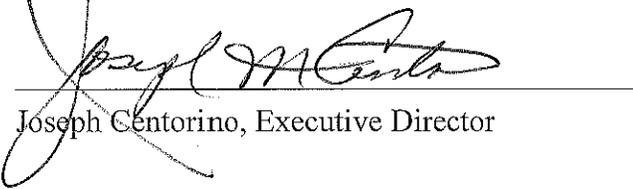


Breno Penichet, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director

10/7/15

Date Closed