



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

**Report of Inquiry**

**CASE  
CLOSED**

**Investigator: Breno Penichet**

Date: 8/31/2015

<b>Case:</b> PI15-012	<b>Case Name:</b> Incident at Miami-Dade ISD Fleet management body shop #3	<b><u>Date Opened:</u></b>  June 11, 2015	
<b>Complainant(s):</b>  Pete Moolah	<b>Subject(s):</b>  Porfidio Garcia		

**Allegation(s):**

COE received information from Ms. Lourdes Betancourt (Betancourt), Procurement Contracting Officer, Internal Services Department (ISD), concerning an incident that took place in ISD fleet management shop #3 between two Miami-Dade County employees. Betancourt advised she was contacted by Pete Moolah (Moolah) from Shop 3 ISD Fleet Management, who stated that a Miami-Dade Transit (MDT) employee, Porfidio Garcia (Garcia), who is a part owner of one of the companies in the pool of authorized bidders on a body work repair contract, was in the shop wearing his MDT uniform possibly to intimidate the employees. It was unclear from the information, which was related to Moolah by another ISD employee, and then related to Betancourt by Moolah, exactly what was going on that may have constituted the intimidation. According to Betancourt, Garcia, the transit employee, had gotten an opinion from Victoria Frigo a while back that indicated it was permissible for him to bid on county vehicle repair work, provided it did not involve transit vehicles. This bid does not involve transit vehicles. However, it was decided by the Executive Director that we should at least conduct an inquiry and speak to the transit employee who interacted with Garcia to determine whether some form of exploitation occurred, also to find out whether it was done on County time and whether Garcia's wearing of his County transit uniform was

permissible.

Mr. Pete Moolah  
Facility Supervisor  
Miami-Dade County  
IDS Fleet Management Shop3

On June 12, 2015, Mr. Pete Moolah (Moolah) voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegation, Moolah stated that he was contacted by one of his employees, Larry Averhoff (Averhoff) concerning an incident that had occurred while he (Moolah) was not on the premises, between the owner of a body shop and a shop employee. According to Moolah Garcia is part owner of "AJV # 3 collision specialist, Inc." Garcia became involved in a verbal discussion with Roger Rojas (Rojas) concerning the way Rojas was conducting the inspections when the vehicles were being turned back in, and the frequency that Rojas was making "AJV #3" perform follow up work on vehicles that did not need any further work. According to Moolah, Garcia became upset when Rojas told him to take the complaint to his supervisor Moolah. Moolah advised that he has noticed that Garcia wears his MDT uniform when he delivers some of the vehicles. Moolah also pointed out that it was brought to his attention that Garcia was delivering the vehicle around 2pm possibly on county time. Moolah advised that he has instructed his subordinates to refer all complaints to him in order to avoid any confrontations. Moolah provided written statements from Averhoff and Rojas. (see below)

STATEMENTS:

*From: Averhoff, Larry (ISD)  
Sent: Thursday, May 28, 2015 2:45 PM  
To: Moolah, Pete (ISD)  
Cc: Rojas, Roger (ISD)  
Subject: incident with AJV body shop*

*On May 22, 2015 at 2:00 Porfidio from AJV # 3 collision specialist, Inc. came to our facility to drop off vehicle 1296A. After speaking to Porfidio about the vehicle. He wanted to speak with Roger Rojas to confirm repairs on vehicle. Roger then said he will get back to him on a later date. Porfidio then continued to ask Roger about another vehicle he repaired a few weeks ago. Porfidio at this point was very upset. Porfidio was inquiring why Roger did a quality control check in that manner. Roger then told him "I am just doing my job". Roger then continued to do his job assignments and walked away. Porfidio became irate with Roger and told him "don't give me your back, when I am talking to you ". Roger at this point turned around and said to him very politely "if you have any question speak to Pete our supervisor".*

## Facts of Incident

May 27<sup>th</sup> 2015

Last Friday may 22<sup>nd</sup> 2015 when I was by the area assigned for body shop ready line, I received a call from Larry Averhoff asking me to come to the office because a vendor was supposed to ask me some questions about a vehicle that it was returned from rework.

When I got into the office, this guy (I don't know his name)wearing a Miami Dade County uniform (TRANSIT) started complaining me about the frequency I was returning the vehicles awarded to his shop, at that moment I realize that he is the owner of AJV Collision III. Then I clarified to that I have no authority to talk to him about complaints and that it has to be directly with my supervisor, at that moment I walked to the desk where the scanner is kept to put it back, when I heard him say..."Don't give me your back!! I'm talking to you! At that time I answered that I was no supposed to talk to him about those issues.

Then he started complaining about another vehicle that it was returned in the past for reworks, telling me that such vehicle was in perfect condition and I was wrong about my judgment. I again answered that I was not the person in charge of reworks and he should talk directly with my supervisor the next business day. (My supervisor was off that day).

After all this arguments with this person I left the office in order not to continue and avoid further confrontation.

This is what I recall happens that Friday and I am communicating to you because it was something out of normal.

This statement is to clarify miss understandings that could result with those arguments.

Thank you for your attention.

  
Roger Rojas

ISD, LET.

**Relevant Law:**

Miami-Dade County Conflict of Interest and Code of Ethics Ordinance Sec. 2-11.1(g)  
*Prohibition on exploitation of official position.*

**Investigation:**

Mr. Porfidio Garcia  
AJV #3 Collision Specialist, Inc.  
Miami, Florida

On June 14, 2015, Mr. Porfidio Garcia (Garcia) voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegation, Garcia stated that he delivered MDC Vehicle # 1296A to ISD Fleet management shop 3. When he arrived he spoke to one of the employees and requested to speak to Roger Rojas, regarding the way he was inspecting the vehicles and the fact that he was returning vehicles for rework that Garcia felt had nothing wrong with them, costing him (Garcia) time and money. Garcia advised that Rojas addressed him in a very unprofessional manner, refused to discuss the problem or attempt to solve it. Garcia further stated that Rojas just told him to go see Moolah and turned his back and started to do something else, which is when Garcia became upset and left.

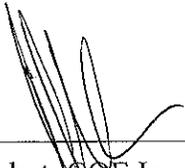
Garcia advised that he was on his own time when he delivered the vehicle; he had taken the afternoon off. Garcia provided a copy of his time card and a previously signed and approved leave slip. Garcia advised that he has worn his MDT uniform many times when delivering vehicles, everyone there knows he works for MDC. Garcia advised that he has never used his position to his advantage and he has never been told by his department or any one at ISD that he should not wear his uniform. Garcia advised going forward he will not wear his uniform when delivering the finished vehicles, and will only go there in an emergency situation.

**Conclusion:**

This inquiry did not reveal any evidence that Garcia exploited his position when he wore his uniform to deliver the car to ISD Fleet Management. Garcia was on his own time because he had left work early after obtaining permission. Garcia understood the ramifications of wearing the uniform to the facility and advised he would not do it again.

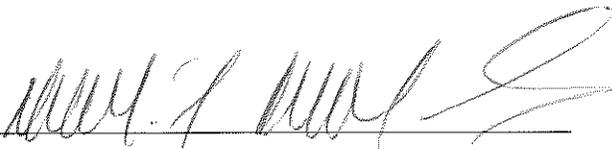
All the information was discussed with and reviewed by the Advocate. He advised that no further action would be taken. Accordingly, it is recommended that this case be closed.  
Case Closed.

(Signature)

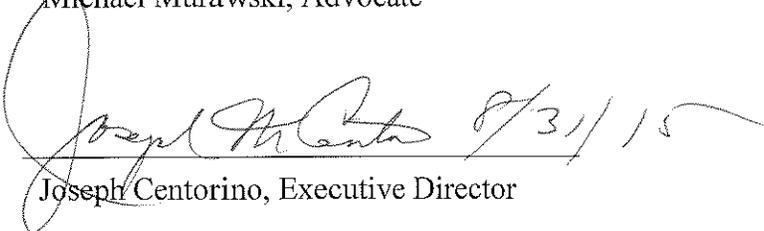


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Breno Penichet, COE Investigador

Approved by:



\_\_\_\_\_  
Michael Murawski, Advocate



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Joseph Centorino, Executive Director

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Date: