



**Miami-Dade Commission on Ethics & Public Trust**  
**Report of Inquiry**

**Investigator: Sylvia Batista and Breno Penichet**

<b>Case:</b> PI15-024	<b>Case Name:</b>	<b>Date Opened:</b> <b>CASE</b>
<b>Complainant(s):</b> Anonymous source,	<b>Subject(s):</b> City of Hialeah allowing illegal construction and withholding public records regarding same.	07/15/15 <b>CLOSED</b> Date: <u>9/18/2015</u>

**Allegation(s):**

On July 14, 2015 the COE received an anonymous telephone call alleging that the City of Hialeah permitted an illegal construction at a boat business owned by individuals who are friends with City of Hialeah Mayor Carlos Hernandez. Source advised that she has repeatedly requested records from the building department involving the illegal construction, but her requests have been ignored by the City to date.

Source informed that the name of the business is Miami Prestige Interiors, Inc., located at 4798 East 10<sup>th</sup> Lane in Hialeah. The owners of the business are Rogelio and Aurora De La Rosa (the "De La Rosas"). Source asked to remain anonymous.

The COE initiated an inquiry to determine whether the owners of the property have secured special privileges or exemptions for themselves by reason of their friendship with the Mayor.

**Relevant Law:**

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

## Investigation:

### Review of documentation provided to the COE by the City of Hialeah.:

- Miami Prestige Interiors, Inc. corporate detail identifying the officers and directors of the for-profit corporation as Rogelio De la Rosa and Aurora De la Rosa.
- Summary Report of the Office of the Property Appraiser reflects the ownership of the property is Lane 4798 Holdings LLC;
- Lane 4798 Holdings LLC corporate detail identifying its officers and directors as the De La Rosas;
- 03/10/15 – Permit Application for the legalized addition of 2800 SF; work value: \$112,000
- 07/27/15 – Complaint ID#02436 referral from Bldg. Dept. and Miami-Dade Regulatory and Economic Resources Dept. of a building without a permit;
- 07/27/15 – Inspection Results – Factory in Hialeah built without permits and with unsafe features. Send Notice of Violation 10 days to contact this office. Follow-up with Building Official and the County for report of requirements for compliance.
- 08/19/15 – Primary Permits – Violation. Remarks: upfront fee of \$100 paid legalizing addition.
- 08/19/15 – Reviews – Rejected. Remarks: provide microfilms. Back-out parking allowed only in Low Density Residential Districts. Possible hearing and site plan review required. Inquire in Zoning Department. Meet with Zoning Official DS. Further comments may follow.

## Interviews:

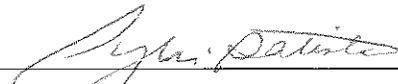
### **09/16/15 – Jonathan Martinez, Community Development Administrative Officer –**

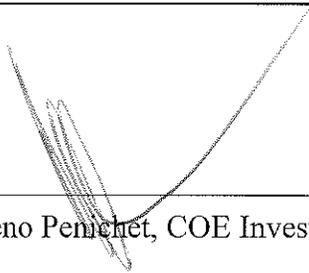
According to the anonymous source, Jonathan Martinez (Martinez) is the Mayor's designee on the subject matter and was able to provide additional records regarding the permitting of the structure. Martinez explained that the Code Enforcement Department (Code Enforcement) opened a case on the illegal construction when they received information from DERM resulting from DERM's inspection of the property. The DERM inspection was conducted in their normal course of business. The business on the property does finishing of auto and boat interiors. These types of businesses are often inspected by DERM because of the high toxicity of the materials used. Code Enforcement then issued a fine against the owners of the property which was paid when they opened the permit.

Martinez explained that the owners were already trying to get a permit to legalize the construction, but this process will take some time. Before the permit can be issued, a hearing and site plan review will be required. Martinez explained that they will need to set up the plans and conduct an engineering study to confirm that the structure is within the code. There has been no special treatment of the De La Rosa's according to Martinez.

**Conclusion:**

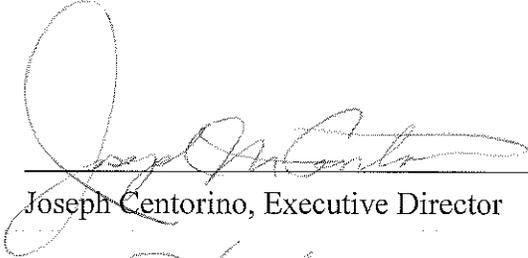
This inquiry did not reveal any evidence that the owners of the subject property have received special benefits or exemptions in connection with the construction done on their commercial property. Moreover, although the anonymous source claimed that requests for records from the City regarding this matter have been ignored, COE investigation did not identify anyone making any public record requests from the City pertaining to this matter.  
For this reason, this investigation is closed without further action.

  
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Sylvia Batista, COE Investigador

  
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Breno Penichet, COE Investigador

Approved by:

  
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Michael Murawski, Advocate

  
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Joseph Centorino, Executive Director

Date: 9/18/2015

Date: 7/18/15