



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

**Preliminary Inquiry Report**

**Investigator:** Breno Penichet

<b>Case</b> PI15-010	<b>Case Name:</b> City of Miami Beach	<b>Date Open:</b> April 10, 2015	<b>CASE CLOSED</b>  Date: 6/19/2015
<b>Complainant(s):</b> David A. Walters	<b>Subject(s):</b> Code Compliance Dept.		

**Allegation(s):**

The COE received information from David A. Walters (Walters) a resident of the City of Miami Beach. Walters alleges City of Miami Beach Code Compliance Department is not performing its job properly. Walters is questioning the fact that Code compliance officials allowed a building owner to run a hotel without obtaining the proper license, and paying the proper fees.

**Relevant Ordinances:**

*Exploitation of official position*, Sec. 2-11.1(g), Miami-Dade Conflict of Interest and Code of Ethics Ordinance: “No person included in the terms defined in Subsection (b) (1) through (6) and (b) (13) shall use or attempt to use his or her official positive to secure special privileges or exemptions for himself or herself or others...”

**Investigation:**

***Interviews***

COE Investigators reviewed the information provided along with the attached documents. It appeared from the information that Espanola Way Associated LTD, the company that runs ‘Espanola way Suites’ failed to obtain the proper occupational license and pay the proper fees to the City. David A. Walters became aware of the problem and complained to Code Compliance. A review of the permit and citation history for 443 Espanola way, Miami Beach, Florida found that a violation was issued # CE15001651 and was later referred to a Special Master’s Hearing. COE investigators contacted the Director of the Code Compliance Department who verified all the information and provided the final disposition of the case.

Hernan Cardino  
Director  
City of Miami Beach Code Compliance Department.

Mr. Hernan Cardino (Cardino) Director of Code Compliance was contacted concerning the allegations made by Mr. Walters. According to Cardino when the Code compliance department became aware of the violations a citation was issued and a daily fine was assessed. The case was also referred to a Special Master. The property owners requested a continuance and it was granted. The violations were settled and the case was closed. Cardino advised that no special treatment was afforded the owners of the property that would not be afforded to any other City resident.

***Document/Audio/Video Review:***

1. E-Mail from Walters dated 4/10/2015 concerning allegations of non-action by the City Code Compliance.
2. Citation history for 443 Espanola Way, dated 11/12/2014.
3. E-Mail from Walters dated 11/9/2014 to City officials concerning licensing requirements for 443 Espanola way.

**Conclusion(s):**

As a result of reviewing all the documents provided, interviews by COE investigators and information obtained from City of Miami Beach records, there does not appear to be any Ethics-related violations. A review the file indicates that a violation was issued when the City was alerted, and the property management corrected the violations.

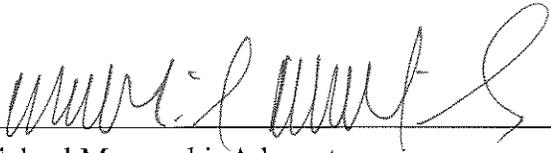
Advocate Michael Murawski advised that no further action would be taken. Accordingly, it is recommended that this case be closed.

(Signature)

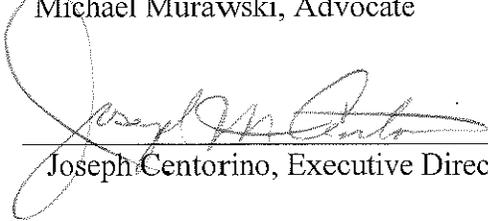


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Breno Penichev, COE Investigator

Approved by:



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



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Joseph Centorino, Executive Director

6/19/15

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Date Closed