



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

Investigator: Breno Penichet

CASE

Case: PI15-051	Case Name: City of Miami Beach Building Department / conflict	<u>Date Opened:</u> CLOSED Date: 12/18/2015	
Complainant(s): Brad Mester	Subject(s): City of Miami Beach Building official	11/18/15	

Allegation(s):

COE received a telephone call from Brad Mester, an ex- City employee, alleging the City Building official is waiving fees and expending City funds contrary to State Law, and abusing administrative leave.

Relevant Law:

Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1, subsection (g) *Prohibition on exploitation of official position*, stating in applicable part that "No person ... shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others

Investigation:

According to our source, Brad Mester (Mester) he was employed by the Building Department for 6 years before he was terminated by the new Building Official Mariano Fernandez (Fernandez). Mester believes he was fired because he refused to allow the improper spending of moneys and waiving of fees by Fernandez or some of the others he hired.

Mester provided approximately 16 issues he felt were questionable actions by Fernandez. After reviewing them it was determined that we possibly had some jurisdiction over two (2) issues.

1. The possible waiving of building fees. According to Mester, he had personal knowledge of one incident where Mariano instructed an employee of BG group not to bill the City for a \$10,000 demolition of a recreation Building in Flamingo Park.
2. A permission slip for Administrative leave was put in for 8/20 & 8/21/2015 by Fernandez claiming he was attending a Workers Comp conference. According to Mester, Fernandez went hunting on these days with another employee (Lazaro Rodriguez) who put in for vacation time.

Interviews:

Mark Taxis
Assistant City Manager
Miami Beach

Assistant City Manager Mark Taxis (Taxis) was contacted by COE Investigator Penichet regarding this matter. After providing Taxis with the information he conducted an inquiry and found that, in fact, the Building official did waive some fees as it pertained to the demolition of a City owned recreational building. The building official did so after discussing the matter with the City administration. As for the time off, Fernandez was given time off to attend the conference and he took an additional few days off which were authorized. Taxis advised that this was done with the knowledge of the City Manager and was pre-approved.

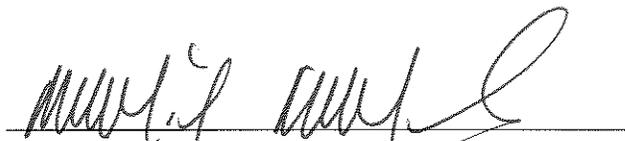
Conclusion:

This inquiry did not reveal evidence the Building official abused his position by waiving the demolition fees or using the administrative leave. As a result of the interviews, and the review of the documents by the Assistant City Manager it appears that Fernandez acted within the scope of his authority.

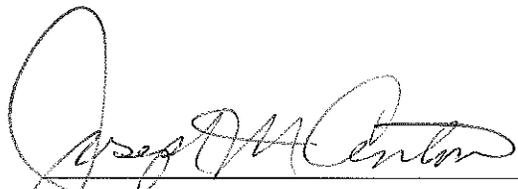
Advocate Michael Murawski advised that no further action would be taken since there does not appear to be any Ethics-related violations. Accordingly, it is recommended that the above case be closed.

Breno Penichet, COE Investigador

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director

Date: 12/18/15