



Miami-Dade Commission on Ethics & Public Trust

Preliminary Investigative Report

Investigator: Nilda Olmo and Breno Penichet

Case: PI 16-11	Case Name: Ruggiano	Date Opened: 03/21/16	CASE CLOSED Date: <u>9/12/2016</u>
Complainant(s): Andrew Malahoo, South Miami Roofing	Subject(s): George Ruggiano, Chief Mechanical Inspector, City of Coral Gables		

Allegation(s):

The COE received a call from Andrew Malahoo (Malahoo), South Miami Roofing, alleging that George Ruggiano (Ruggiano), Chief Mechanical Inspector for the City of Coral Gables, approved a faulty engineering report submitted by his son, Douglas Ruggiano (Douglas) for an air conditioning unit at John Martin's Irish Pub (JM), located at 252 Miracle Mile, Coral Gables.

Relevant Law:

Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1 (g) ***Exploitation of official position prohibited:*** 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 position to secure privileges or exemptions for himself or herself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.

Investigation:

Interviews:

Andrew Malahoo (Malahoo), South Miami Roofing-

This Investigator along with Staff Attorney Martha Perez, met with complainant, Andrew Malahoo, regarding his allegations against Ruggiano. The issue stems from work performed by Malahoo on the roof of the restaurant, JM.

The existing air conditioning unit had been installed by Biscayne Company. According to Malahoo, the A/C unit was too big, apparently due to a faulty engineering report. Malahoo mentioned that the Product Certification Statement dated 08/02/12 (Attachment #1), was actually done on a different building and submitted for this project. The report was prepared by Douglas Ruggiano, whom he believed to be the son of Coral Gables Chief Mechanical Inspector Ruggiano.

Malahoo complained that his company is now being blamed for the problem which he says was caused by the faulty inspection report provided by Douglas. As a result, his company is being ordered to do additional work on the roof, without compensation, to make up for the mistake. Malahoo stated that working with the City (Coral Gables) has been an uphill battle and they continue to make it difficult for him to work there.

Supplemental documents referenced by Malahoo were reviewed and attached as part of the investigation report. (Attachment #2). The review of the documents by COE Investigator Penichet¹ showed that the "engineering report" dated 08/02/12 (which Malahoo alleged was submitted by Douglas Ruggiano for another building), was in fact a Product Certification Statement (PCS) for Trane rooftop mounted A/C units 15 to 25 tons. The PCS is an instructional, generic form used by the manufacturer which shows the correct rooftop mounting for the above mentioned A/C units. In other words, it's the instructions for how to properly install their product; it is not specific to this building. It is incumbent upon the installer (Malahoo) to follow the instructions.

George Ruggiano (Ruggiano), Chief Mechanical Inspector, City of Coral Gables-

Ruggiano voluntarily agreed to be interviewed and provided the following information to Investigators Nilda Olmo and Breno Penichet. Ruggiano explained the work to be performed consisted of replacing three package units (15 ton-12 ½ ton-7 ½ ton) and curbs, install two stands and raise right refrigeration.

Ruggiano mentioned that he did not pass final inspection at JM because the work performed by Malahoo did not meet code standards, specifically: it did not follow the manufacturer's recommendation. Ruggiano provided pictures of the work and explained that, according to the

¹ Investigator Penichet worked previously as an inspector and also director of Code Compliance for the City of Hialeah, Florida

Florida Building Code and the company's own instructions, the units were not anchored properly and thus would therefore, not hold in above-average winds.

Ruggiano stated that Douglas Ruggiano is his son and is also the Engineer that provided the Trane Wind Load Analysis Report. The extent of Douglas' involvement was to provide the Product Certification Statement for the air conditioning units being replaced.

All the records referenced by Ruggiano were reviewed and attached as part of the investigation report (Attachment #3).

Douglas J. Ruggiano (Douglas), P.E., P.A.-

Douglas Ruggiano (Douglas) was contacted and voluntarily agreed to be interviewed and provided the following information to Investigators Nilda Olmo and Breno Penichet.

Douglas verified that he is a certified, licensed Engineer in the State of Florida. Douglas provided the Product Certification Statement for the Trane Rooftop Air Conditioner 15 to 25 tons. Douglas is hired by Trane to provide this statement. The certification also provided the fastening requirements for compliance under the Florida Building Code and ASCE 7-10 (*Standards-Minimum Design Loads for Buildings and Other Structures, ASCE/SEI 7-10*, provides requirements for general structural design and includes means for determining dead, live, soil, flood, snow, rain, atmospheric ice, earthquake, and wind loads, as well as their combinations, which are suitable for inclusion in building codes and other documents)².

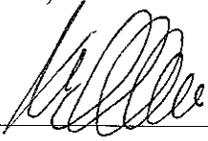
All the records referenced by Ruggiano were reviewed and attached as part of the investigation report (Attachment #3).

Conclusion:

After discussing the findings with the Ethics Commission Advocate it was determined that this matter should be closed with no further action. There is no evidence of an ethics violation. A copy of this report will be forwarded to officials at the City of Coral Gables.

² American Society of Civil Engineers (ASCE), 2013

(Signatures)

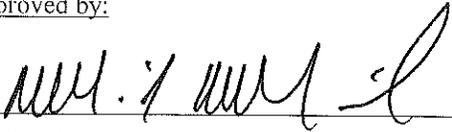


Nilda Olmo, COE Investigator

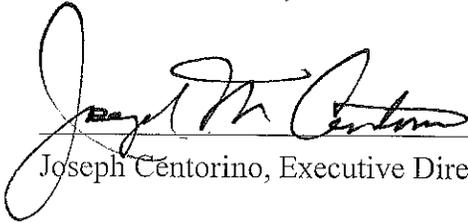


Breno Penichet, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director

9/12/16

Date