

REPORT OF INVESTIGATION

K #: 06-012 JOAQUIN RABASSA

Date Opened: 01/30/2006

Date Closed:

Name of investigator: Arthur D. Skinner
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Allegation:

This investigation was predicated upon the receipt of information from an anonymous caller that Miami Dade County Department of Public Works (PWD), Construction Coordinator Joaquin A. Rabassa, 111 NW 1st Street, Suite 1410, Miami. FL 33128, (305) 375-2392, has a prohibited business relationship with H & R Construction Company Inc. The anonymous caller alleged that Rabassa's daughter Aida Roque was working for H & R Construction in an advisory capacity on pre-contract pricing negotiations with contracts awarded through the Public Works Department.

A possible violation of Section 2-11.1 Conflict of Interest and Code of Ethics Ordinance:

(g) *Exploitation of official position prohibited.* No person included in the terms defined in Subsections (b)(1) through (6) shall use or attempt to use his official position to secure special privileges or exemptions for himself 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.

(l) *Prohibited investments.* No person included in the terms defined in Subsections (b)(1) through (6) shall have personal investments in any enterprise, either himself or through a member of his immediate family, which will create a substantial conflict between his private interests and the public interest.

(n) *Actions prohibited when financial interests involved.* No person included in the terms defined in Subsections (b)(1) through (6) shall participate in any official action

directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest. A financial interest is defined as a special financial interest, direct or indirect, as that term is used in Section 4.03 of the County's Charter; or as a financial interest as defined in Section 769 of the Restatement of the Law of Torts as an investment or something in the nature of an investment. This section shall not prohibit any official, officer, employee or person from taking official action (1) to promote tourism or downtown development or redevelopment within the County or any portion thereof, or (2) to authorize the expenditure of public funds for promoting tourism or downtown development or redevelopment, so long as no such authorized public funds are to be paid to such person or a member of his immediate family or any business in which he or any member of his immediate family has a financial interest.

Investigation:

On January 30, 2006 an online record check with the Florida Department of State, Division of Corporations revealed that Aida M. Roque of 13873 SW 63rd Lane, Miami, Florida 33183, had an active corporation called "Main Investment Inc." with a Giselle Gomez of 1118 SW 140th Place, Miami, Florida 33184.

Crosschecks between public records and Miami Dade County indices provided information that Giselle Gomez was the daughter of PWD Construction Manager Miguel E. Gomez, 111 NW 1st Street, Suite 1410, Miami. FL 33128, (305) 375-2111. Aida Roque is the daughter of Rabassa and the wife of Miami Dade County Water and Sewer Department (WASD) Senior Professional Engineer Rolando M. Roque.

On September 20, 2006, a Subpoena was given to the Florida Department of Revenue requesting earnings records 3rd quarter of 2004 through the 2nd quarter of 2006, for Giselle Gomez, Aida Roque, Main Investment Inc. and others. There were no records of any earnings for employees of Main Investments Inc. Giselle Gomez had earnings from Publix Super Markets Inc. Aida Roque had earnings from Sunflower Farms Distributors Inc. The records indicted neither Gomez nor Roque had any other sources of income.

On February 13, 2007, COE Investigators interviewed Construction Coordinator Joaquin Rabassa. Rabassa denied that either he or any member of his family ever had a personal business relationship with H & R Construction Inc. Rabassa explained that Main Investments Inc. was in the business of building one residence located in Northwest Miami Dade County. Rabassa and Miguel Gomez have been friends for at least the past ten years. Gomez does not work for Rabassa.

H & R Construction Inc. was not interviewed.

CONCLUSION:

The investigation did not reveal any evidence that there was a prohibited business relationship between H & R Construction and Rabassa or any family member.