

OFFICE OF THE INDEPENDENT ADVOCATE  
REPORT OF INVESTIGATION

K #: K09-075

Date Opened: July 9, 2009

Date Closed: August 17, 2009

Name of investigator: Breno Penichet and Art Skinner

**Allegation:** Exploitation of Official Position Prohibited.

**This Investigation is predicated upon information received in the form of a letter alleging that North Bay Village, Mayor Oscar Alfonso requested payment of a civil nature be made to the Police Chief of Sunny Isles Beach.**

- On 25 June 2009 , Mr. Oscar Alfonso who is the Mayor of North Bay Village wrote a letter to Mr. Julio Gutierrez, a resident of Sunny Isles Beach requesting that Gutierrez reimburse Alfonso the sum of two Hundred three U.S. Dollars, and ten cents (\$203.10) for the travel expenses of Gutierrez' minor son. The letter instructed Gutierrez to take the Money to the Police Department and turn it over to the Police chief Fred Maas. (see attached)
- Gutierrez responded to Alfonso and proceeded to forward the correspondence to the Commission on Ethics and Public Trust for review and any Investigation as necessary. The COE also received a request from Chief Fred Maas to review the unusual request from Alfonso. [Howard Weinberg,](#)

- COE Investigators Skinner and Penichet interviewed Gutierrez at his residence 18201 Collins Ave Unit 903 Sunny Isles Beach FL. Gutierrez advised that Alfonso is having a romantic relationship with his ex wife Aurora Coba. Coba is the mother of Gutierrez's minor child and resides in Houston Texas with his grandmother. Gutierrez advised that he gives Coba money for the care of the child even though there is no court order and no formal agreement. In the particular instance that the letter is referring to Coba asked Gutierrez for Airfare to bring the child to Florida, at the time Gutierrez had a cash flow problem so he agreed to let Alfonso front the payment for the ticket and he (Gutierrez) would reimburse Alfonso the money at a later date. Gutierrez advised that he left the money in an envelope with the security personnel in the lobby of his building and when he came home he found the letter telling him to give the money to Chief Maas.
- Gutierrez advised that he became concerned because of Alfonso's position as Mayor and after conferring with his Attorney, he decided to write the letter with copies to the COE. Gutierrez advised that he never had any contact with Chief Maas or any one from the Police Department.
- COE Investigators Skinner and Penichet interviewed Chief Fred A. Maas, Sunny Isles Beach Police Department. Chief Maas advised that he sent the letter in order to alert the COE that he did not have any contact with any of the parties involved and in fact he did not personally know Alfonso or Gutierrez. Chief Maas advised that he found the request highly unusual and inappropriate and would not

have received the money himself or allowed anyone in his department to do so. Chief Maas was very cooperative.

- COE Investigator Penichet interviewed Oscar Alfonso and Aurora Coba at 7520 W. Treasure Dr. ,North Bay Village ,Fl. regarding the letter left for Gutierrez. Alfonso advised that he paid for the plane ticket to fly the minor child of his fiancé from Huston, Texas to Miami on the understanding that Gutierrez would reimburse him for the expense.
- Alfonso advised he did not want to have any type of confrontation so he felt the best way would be to have the money passed through a neutral 3<sup>rd</sup> party that is why he chose Chief Maas. Alfonso was under the impression that the letter was sent prior to picking up the money and that the arrangements were made prior but then he found out that Coba left the letter the same day.

**\* All documents have been made part of this file.**

**CONCLUSION:**

File turned over to Advocate for review.