



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Breno Penichet

Case K13-036	Case Name: City of Miami Inspectors J. Pino & L. Torres	<u>Date Open:</u>	<u>Date Closed:</u>
Complainant(s): Anonymous	Subject(s): Jose Pino & Luis Torres	March 13, 2013	December 5, 2013

Allegation(s):

An allegation was received that City of Miami Inspectors Jose Pino (Pino) and Luis Torres (Torres), may have exploited their official positions when they allegedly used a qualifier Coda Roofing corporation (Coda) to open roofing permits for a property, located at 2960 SW 13th Street Miami, but had their own company Roof 4 Life corp. (Roof4) do the work and collect the fee. It was also alleged that Torres may have conducted some of the inspections.

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

Angel Rivas
City of Miami
Building Department
(305) 416-1107

On March 12, 2013 COE investigator interviewed Rivas, quality control manager for the City of Miami Building Department, and asked him about the information received by the COE concerning Inspectors Torres and Pino. Rivas advised that he had received similar information, from an anonymous source regarding open roofing permits for a property, located at 2960 SW 13th Street Miami. Rivas advised that he was also under the impression that the inspectors may have used a "local contractor" to pull the permits and maybe the work was done by another company owned by the inspectors. Rivas advised that he had no specific information or proof. Rivas also stated this information was turned over to Miami Police Department-Internal Affairs Unit. Rivas advised that he would provide copies of the permit history for the address in question. Rivas further stated he would forward any other information that would be received by his department pertinent to this investigation.

Sgt. George Law
Miami Police Department
Internal Affairs Section
(305) 835-2000

On September 19th 2013, COE Investigator interviewed Sergeant George Law (Law); M P D Internal Affairs Unit, concerning the above matter. Law advised that his unit was not actively investigating any allegations at this time against City of Miami Inspectors Torres and Pino. Law advised that a preliminary investigation revealed that most of the allegations stem from petty infighting and personality clashes within the building department. Law advised that at this time, no administrative problems were noted. Law advised that if any action is taken by the State or the City which could include any part of this investigation he would notify us.

Juan Sotolongo
2960 SW 13th Street
Miami, Florida

On July 1th 2013, COE Investigator interviewed Sotolongo, the owner of the property where the roofing work was done. Sotolongo advised that he does not remember if he contracted with "Roof 4 Life Corp." to have his roof replaced and all permits finalized. Sotolongo advised that all the work was completed by Coda Roofing, in the proper time frame, and the work was inspected by the City of Miami. Sotolongo advised there was a small leak, he complained and the contractor came out checked the work, then had his crew come out work on the roof again, and the leak was fixed. Sotolongo advised that his roof was inspected and the permit finalized. Sotolongo was never promised any special favors by the inspectors or anyone at the city. Sotolongo advised that he was satisfied with the work and only called the City when he felt the contractor was not being responsive. Sotolongo advised that after talking to the contractor all was resolved.

Jose Pino
City of Miami
Building Department
(305) 416-1107

On December 05, 2013 COE investigators interviewed Pino, at the City of Miami Building Department, and asked him about the information received by the COE concerning the roofing job allegedly done by Roof 4 Life Corp. Pino advised that he is the qualifier for his son's company, "Roof 4 life corp". Pino further stated that his son's company had not done any work at the property, located at 2960 SW 13th Street Miami. Pino advised that he also did not conduct any inspections on the property. The roofing permits for the property are under the name of, Coda Roofing Inc.

Pino provided a copy of his Authorization for outside employment he submitted, and was approved. Pino also provided a signed copy of "Working within City Limits Acknowledgement" which states that he cannot perform any work in the City.

Document/Audio/Video Review:

On April 17, 2013, reviewed Florida Department of State, Division of Corporations records¹ Jose E. Pino is a principal in Roof 4 Life Corp. an active Florida corporation.

On May 23, 2013, property records were checked at miamidade.gov to identify the owner of the property where the permits were issued. The records check showed EST OF "Ofelia Sotolongo" as the property owner of 2960 SW 13 Street Miami.

Also on May 23, a search of corporate records did not reveal any corporations registered to that address under the names of any of the person(s) involved in this investigation.

¹ Unknown if this Jose E. Pino is the same as the city of Miami Inspector, but it should be noted that inspector Pino never conducted an inspection on the property. An authorization for outside employment was not found for Pino.

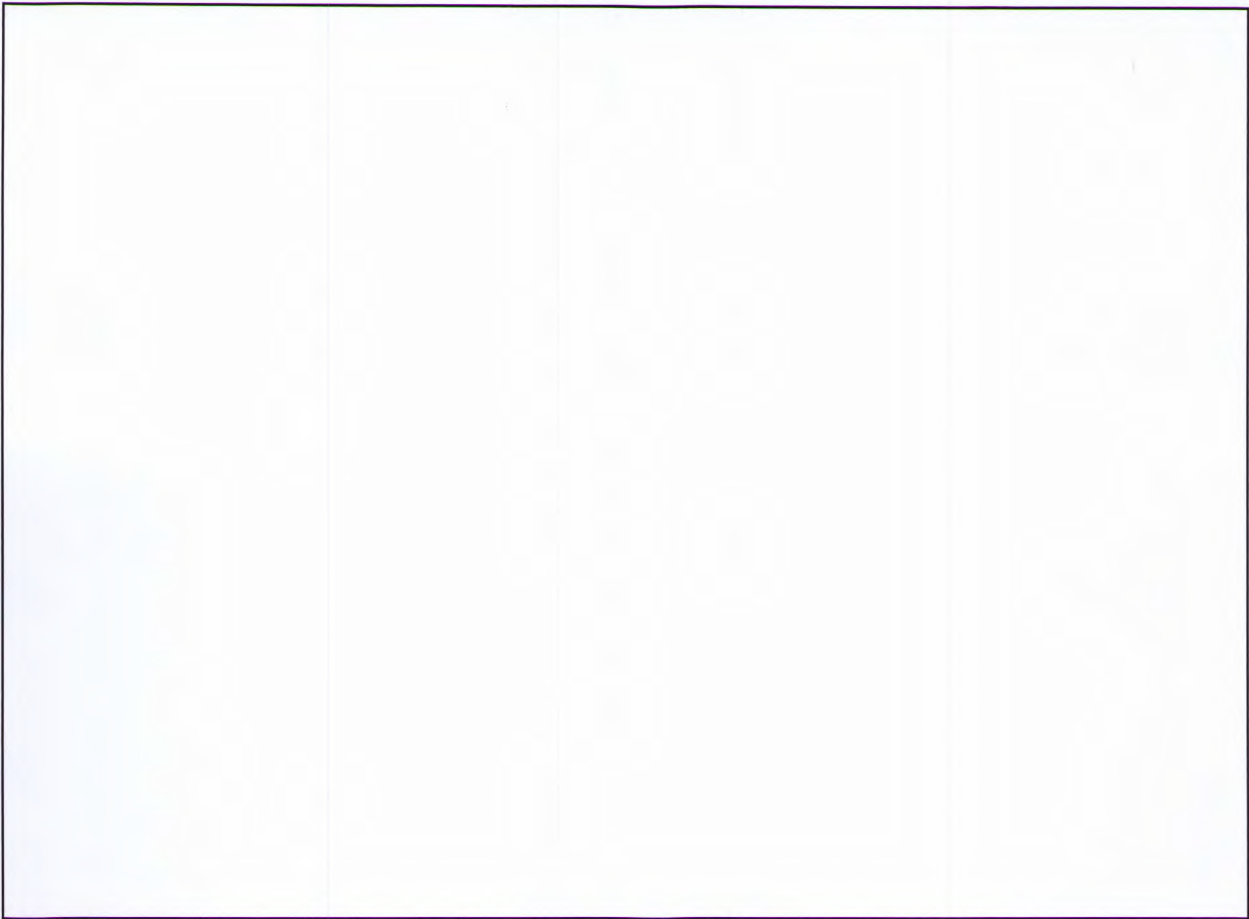
Outside Employment Request for Jose Pino/ approved, dated 1/29/13
Outside Employment working within City Limits Acknowledgement signed by Jose Pino, dated 2/13/13

On September 27, 2013, COE Investigator reviewed the permit history for 2960 SW 13th Street Miami. From the year 2011 to 2013, and found that Pino did not perform any inspections on the site.

Conclusion(s):

Based on the available information, there is nothing, other than the anonymous information received, to suggest that City of Miami Inspector Pino conducted any inspections on property located at 2960 SW 13 Street Miami, Florida. To the contrary after reviewing the permit history, it was found that only two (2) inspectors conducted all the inspections Michael Lemus and Luis Torres. It should also be noted that (Inspector Luis Torres was not involved other than conducting inspections in his area). Unless new information is developed or someone with more facts comes forward, this case should be closed.

Note: Mr. Maurice Pons, Assistant Director Building department, verified that Jose Pino did not conduct any inspection at the permit property, and does not show as the qualifier for the roofing company.



(Signature)

B. Penichet, COE Investigator

Approved by:

Michael Murawski, Advocate

Miriam S. Ramos, Deputy General Counsel

Joseph Centorino, Executive Director