

REPORT OF INVESTIGATION

K #: 06-078 Raul Cruz

Date Opened: 08/07/2006

Date Closed:

Name of investigator: Arthur D. Skinner, Yolanda Bielovucic

Allegation:

This matter was predicated upon the receipt of information from an anonymous source, that Miami Dade County, Department of Public Works, Road Construction Engineer Raul Cruz, (305) 375-4182, (305) 298-0643 had unauthorized outside employment. The anonymous source stated that a company called R.A. & I Construction owned by Cruz had obtained a construction contract with the Florida Department of Transportation in Broward County.

Section 2-11.1 of the Code of Miami-Dade County, the County's 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. (j) Conflicting employment prohibited. No person included in the terms defined in Subsections (b)(1) through (6) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties. (k) Prohibition on outside employment. (2) All full-time County and municipal employees engaged in any outside employment for any person, firm, corporation or entity other than Miami-Dade County, or the respective municipality, or any of their agencies or instrumentalities, shall file, under oath, an annual report indicating the source of the outside employment, the nature of the work being done

pursuant to same and any amount or types of money or other consideration received by the employee from said outside employment. Said County employee's reports shall be filed with the supervisor of elections no later than 12:00 noon on July 1st of each year, including the July 1st following the last year that person held such employment. Municipal employee reports shall be filed with the clerk of their respective municipalities. Said reports shall be available at a reasonable time and place for inspection by the public. The County Manager or any city manager may require monthly reports from individual employees or groups of employees for good cause.

Investigation:

Raul Cruz is a Road Construction Engineer, Miami Dade County, Public Works Department, (305) 375-4182; home address, 14621 SW 22nd Street, Miami, Florida 33175, (305) 298-0643 Cellular.

R.A.& I. Construction, Inc. (R.A.& I.) was incorporated on October 6, 2003, The Corporation's address 14261 SW 22nd Street, Miami, Florida 33175, same as Raul Cruz home address. Domingo Perez is listed as the Corporation's registered agent and President. In January 13, 2004 an amendment was issued adding Raul as Vice President and wife, Idalys Cruz as Secretary of R.A.& I. It remained the same in the 2005 Annual Report. However, both Raul and Idalys were not listed as officers in the 2006 Annual Report and Corporation's address was changed to 14080 SW 8 Terrace, Miami, Florida 33184. (Exhibit: 2004 For Profit Corporation Annual Report)

R.A.& I. and Raul Cruz are certified as General Contractor, license number CGC150653 with an expiration date of August 31, 2006. The license is listed as current active. According to the myfloridalicense.com WEB site Cruz's General Contractor License was listed as a DBA R.A. & I Construction Inc. (Exhibit: myfloridalicense.com Licensing Portal Search Results 4/25/2005)

On March 14, 2005, Florida Department of Transportation (FDOT), District Four Office of Procurement, 3400 West Commercial Blvd. Ft. Lauderdale, Florida 33309-K06-078 Raul Cruz

3421 issued a letter to R.A.& I. executing District Contract No. E4H40-R0, State Project No.: 40852725201. According to the sign in sheet, the Pre-Work meeting for the above mentioned contract was held on April 7, 2005 and both Idalys and Raul Cruz attended the meeting for R.A.& I. (Exhibit: Prewrite Sign In Sheet, dated April 7, 2005)

A review of Cruz/s personnel file revealed that Cruz had taken eight hours sick leave on April 7, 2005, the day he and his wife Idalys attended the Pre-bid conference at the Fort Lauderdale FDOT office. (Exhibit: Metropolitan Dade county Yearly Leave Report for the Period Ending 12/04/2005)

A record search with the Miami Dade County Elections Department revealed that Cruz has not filed an Outside Employment Statement for either 2004 or 2005.

On September 1, 2006 COE Investigators met with personnel from the FDOT in Fort Lauderdale, FL. The investigators verified that Raul Cruz took an active part in the business by attending meetings, and making telephone calls to the Contract Inspector to request references and conduct other company business.

A review of the material revealed that a form "F" "Experience Worksheet" was submitted with the bid. The worksheet listed 3 persons as references for experience to meet the minimum qualifications for the job. (1) FDOT West Palm Beach County (2) Metro Express Inc. Delio Trasobares (786) 251-4782 cell, (3) Batista Development Inc., Julio Batista Sr. (305) 362-7277.

A review of the myfloridalicense.com WEB site on September 21, 2006 revealed Cruz's General Contractor License was listed as a the Primary Qualifying Agent for R.A. & I Construction Inc. until August 31, 2007 (Exhibit: myfloridalicense.com Licensing Portal Search Results 9/21/2006).

CONCLUSION:

Summary of investigation should NOT include investigators opinion about whether probable cause exists or whether respondent/target is guilty or not.