

OFFICE OF THE INDEPENDENT ADVOCATE
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
REPORT OF INVESTIGATION

K #: 08 -- 055

Date Opened: June 6, 2008

Date Closed:

Name of investigator: Arthur D. Skinner, and Breno Penichet
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Allegation:

This matter was predicated upon the receipt of information from Dr. Michelle Ferrari-- Gegerson. Ferrari--Gegerson alleged that Biscayne Shores Community Council Person Mike Brescher used his official position to influence homeowners in a vote on a street closure.

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.

Investigation:

On June 10, 2008, Investigator's Art Skinner, and Breno Penichet interviewed Community Council Person Mike Brescher. Brescher gave the following information:

Brescher stated that some local activist's were going door-to-door getting signatures on the ballot of a proposed street closure by the Public Works Department of Miami Dade County. The ballot required signatures of the local residents, and a checkmark in the appropriate box for or against the installation of a proposed half closure of the road along NE 88th St and NE 90th St east of 10th Ave.

Brescher said that he had received tallies of the petition and discovered that 45 names of residents on 91st St. in Miami Shores were included on that list, but these residents were not connected or related to the area where the closure was to take place. The ballot required a two thirds vote to approve the partial closure of the road on NE 10th Ave. Brescher stated he thought there was fraud involved in obtaining the signatures on the ballot. He said he found names that were counted that didn't have signatures and signatures of residents at vacant houses. Brescher claimed that residents on NE 89th St had complained about the ballot and said they wanted to change their votes. He said the activist's who collected the original signatures did not inform the residents that the partial closure would cause an increase of traffic on the streets.

Brescher stated that he obtained copies of the petition ballot from Public Works Department Engineer Mr. Mohammed Hassan. Brescher spent the next evenings, going door-to-door In the Lake Belmar Homeowners Association area attempting to get additional signatures for the ballot. Department of Public Works Traffic Engineer Hassan gave Mr. Brescher, a copy of the petition to allow people to change their vote and for those who were unsigned to vote. The partial closing in the streets did not occur, because the vote for closing the street did not have a two thirds majority.

On August 4, 2008, Investigator's Art Skinner, and Breno Penichet interviewed Mr. and Mrs. Gegerson (305) 494-4538 in their residence at 1163 NE 88th Street, Miami, FL 33138. Present during the interview was a neighbor Neal Shubert (305-751-4450) of 1168 NE 88th Street, Miami, FL 33138. The following information was obtained from the interview:

The Gegerson's stated that it took about four months for them to go to each of the residents in the affected area of the proposed road closures and obtained a sufficient number of signatures (requires 2/3 concurrence of the neighbors that voted) to allow the PWD to do the temporary partial closures of streets in the area.

Mr. Gegerson stated that the letter circulated by Mr. Brescher was not truthful. It took the Gegerson's about four months to collect enough signatures for the proposal to partially close 88th and 90th streets in order to prevent vehicles from entering the neighborhood from 10th Ave... They stated they did not intentionally trick or deceive anyone into signing the ballot in fear of the street closures as Mr. Brescher claimed in his letter. The Gegerson's and Mr. Shubert allege that Community Council Person Brescher has exploited his official position by attaching his Community Council, business card to a letter circulated by Brescher. They said that this business card made the letter look like it was official letterhead promoting his position against the closure of the streets.

Mr. Gegerson said he had a least two neighborhood residents that felt they were coerced by Mr. Brescher to sign the petition against the closure of the streets. Margarita Trotter of 9064 Northeast 10th court Miami, FL 33138, and Mr. Busby, address unknown.

CONCLUSION:

Mr. Brescher attached his Community Council, business card to a letter that supported his position against closure the streets. Mr. Brescher may copy letter with the business card attached and circulated throughout the neighborhood.