

OFFICE OF THE INDEPENDENT ADVOCATE
REPORT OF INVESTIGATION

K #: 08-098

Date Opened: November 4, 2008

Date Closed: May 14, 2009

Allegation:

This Investigation is predicated upon information received in the form of a letter written by Sheila Butler, alleging that a county employee recommended a contractor to work on her property that was not properly licensed.

In violation of the Conflict of Interest and Code of Ethics ordinance Section 2-11.1. (p) Recommending Professional services.

INVESTIGATION:

- COE Investigator B. Penichet conducted a corporation check of Top Construction Inc. via Florida Division of Corporations, and found it to be an inactive corporation, Document number P06000051909 with no annual reports filed since 9/14/07.
- COE Investigator Penichet reviewed the information provided by Ms. Butler in the form of a letter dated 9/26/2008. In the letter it appears that Ms. Butler applied for and was selected to participate in the Miami-Dade County Housing Agency Rehabilitation program in October of 2006. The program is designed to repair or rebuild properties that have been damaged do to natural disasters such as hurricanes, or other acts of nature, or just general aging of the property.

- COE Investigator Penichet contacted Ms. Butler who advised that once she was accepted into the program she was assigned an inspector, Mr. David De La Vega. De La Vega's job was to evaluate the cost of the repairs and prepare an estimate of how much it would cost to finish the construction. Butler stated that this was done and De La Vega then brought Mr. Armando Fumero to the house in order for Fumero to complete the work. Butler stated that Fumero did not finish the work and in fact was paid for work which he (Fumero) did not perform; Butler stated that the project on her house has stalled and has been left undone till this date. (Refer to letter in file)
- COE Investigators Skinner and Penichet conducted an inspection of the property and it was noted that some construction was done but the residence remains uninhabitable and it appears that most of the differences documented by the inspector De La Vega still remain (Pictures in file).
- COE Investigators Rosario and Penichet contacted Miami-Dade County Community Action Agency in order to obtain information and records regarding the Sheila Butler property. COE Investigators spoke to Ms. Christine Forde King who provided the following information. De La Vega was a long time employee of the department and assigned the case he conducted the inspection and prepared the customary paper work which was reviewed by his supervisor and then put out for bid. Top construction got the job by bidding the job with in the proper price range. Ms. King advised that De La Vega had some disagreements with his supervisor and left the CAA and as a result some of the projects may have been delayed, also there was an Investigation conducted by the Miami- Dade County Inspector Generals Office, but it was unknown as to

the nature. The information was confirmed by Ms. Julie Edwards Director of MDCAA.

- COA Investigators Rosario and Penichet requested the files for the Butler case be provided along with any other pertinent files that may be reviewed that may help in determining if De La Vega did in fact recommend Fumero as the contractor for this job.
- COA Investigator Penichet reviewed the files provided by the CAA and found no information showing that De La Vega actually brought Fumero into the project, it also shows that supervisors not only inspected the site but approved the draws along with Butler and De La Vega. (see files)
- COA Investigator Penichet obtained a copy of investigation conducted by Miami-Dade Police Department under case # PCIB 07-103.001. Allegation of individual(s) involved in a scheme to defraud public money from the Community Action Agency (CAA). The Investigation was deemed unfounded. (see report in file)
- COA Investigators Rosario and Penichet interviewed David De La Vega regarding this matter. De La Vega advised he was a long time Miami-Dade county employee and was a very hard worker he always did his work to the best of his ability and very conscientiously. De La Vega advised that his supervisor started to pick on him over little things and accuse him of petty matters and he felt he should have been treated better and resigned. De La Vega advised that he inspected the Butler home and then as per policy produced and work write up sheet which shows all that is required to complete

the project, this spec sheet has all the prices on the sheet, then another sheet just like it is produced without the prices and that one is posted for the contractors to use as an estimate. The contractor fills out his spec sheet and then the two sheets are compared and the estimates must be within 10% in order to be accepted by Miami-Dade County, then all parties sign it and then the draw is issued. (Refer to Un-Priced Copy).

- COA Investigators Rosario and Penichet interviewed Armando Fumero contractor hired to work on the Butler project. Fumero advised that he was a Miami-Dade County vendor and as such worked many projects for CAA. Fumero advised that he worked closely with all the inspectors and was well acquainted with De LA Vega and the Butler case. Fumero explained that the projects at CAA were posted on a blackboard in the office outside the supervisor's area and the contractors would go look for a project they liked and contacted the home owners and negotiated with them. If the owners agreed then they would provide an estimate and if accepted then the work would begin, after the job is finished then is inspected by the inspector, then the supervisor, and then the draw would be issued minus 10%. After a final approval and the final inspection for the permit then the final 10% would be paid. Fumero advised that he was found to be operating improperly and had to repay some of the money which he did, but it was not because of any improper relations with any of the inspectors. Fumero advised that he was investigated by the Metro-Dade Police and no charges were filed, and in fact no misconduct was found on his part. Fumero was very cooperative and did provide copies of and estimate that was signed by Butler and De La Vega along with his supervisor.

- From the paper work reviewed it appears that the CAA is in the process of helping Butler finish her repairs so she can move back into her property. It appears that Butler was reimbursed for any workmanship or materials not properly done or used on her property, at this point the only question that remains is when the job will be completed.

CONCLUSION:

It does not appear that any Ordinance within our jurisdiction has been violated.

M. Murawski Advocate recommended that the above-cited case be closed.