

OFFICE OF THE INDEPENDENT ADVOCATE
REPORT OF INVESTIGATION

K #: K09-102

Date Opened: 8/19/2009

Date Closed: 11/13,/2009

Name of investigator: Breno Penichet

Allegation:

This Investigation is predicated upon information received in the form of an E-mail to Executive Director Robert Meyers alleging that Mr. Frank D. Rodriguez an inspector for the City of Miami is running his business and doing private work on City time.

The Law:

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 18 August 2009 COE Investigator Penichet received a copy of the E-mail in which it states that Rodriguez conducts work for his company on City time, it also goes

on to state that Rodriguez operates a business “AKA T-Team Construction & Investments Inc.” The complaint goes on to state that Rodriguez also does work for a company by the name of Golden Sands General Contractors Inc.

COE Investigator Penichet conducted a records check with the State of Florida Division of Corporations and the below information was found.

T-Team Construction & Investments Inc.

Active Florida corp. #P06000016846

13100 SW 83rd Ave.

Miami FL. 33156.

Frank Rodríguez PD

María Obregón VSD

COE Investigator Penichet also received from the City of Miami clerks office dated June 30 2009, an Outside Employment Statement for Mr. Frank Rodriguez showing the above company as a source of income. (See attached)

COE Investigator Penichet contacted MPD Lt. Jorge Colina Anti-Corruption Unit to verify that Rodriguez was not one of the persons involved in a previous case involving similar allegation at the City of Miami Building Dept. Lt. Colina advised he was not.

COE Investigators A. Skinner and B. Penichet interviewed Mr. John Fedele, Golden Sands General Contractors. Fedele advised that he is very much acquainted with Rodriguez due to the fact that he (Rodriguez) was a full time employee of the company prior to working for the City Of Miami. Fedele advised that Rodriguez works after hours and on week ends as project manager and ADA coordinator. Fedele

explained that all the projects that Rodriguez works on must be done at night or on weekends do to the fact that they are banks and must remain open during the day. The projects are usually interior work and are done in short order, most are located in unincorporated areas of Miami-Dade County or other counties. Fedele also advised that Rodriguez does not sign as qualifier for any of the permits.

COE Investigator Penichet Interviewed Frank Rodriguez regarding the allegation, Rodriguez advised that he runs the company along with his wife who was an Architect in her native country. Rodriguez does no work in the City of Miami and does not pull any permits in the City, all the work he does is after hours, which does not interfere with his City schedule. Rodriguez verified the Outside Employment Statement and also advised that he filled out a request for outside employment with the City of Miami that was approved. Rodriguez was advised that he had to provide a dollar figure on the form showing how much money he had earned through his outside employment, he advised he would fax a document showing the amounts. Rodriguez was also advised he may have to request an opinion from the COE and restriction may be imposed.

COE Investigator Penichet contacted Mr. Maurice Pons Chief of Inspectors City of Miami who provided a copy of Rodriguez' Outside Employment Request signed and approved on 7/1/08. Pons advised that Rodriguez is a very good worker and his work is always on time and that his work load would not allow him (Rodriguez) to conduct any other business with out his work not being affected. Pons further stated that the inspectors are well supervised to avoid that type of conflict.

COE Investigator Penichet spoke with Victoria Frigo Staff Attorney regarding this matter and she suggested that Rodriguez request an opinion in order to clarify any questions.

COE Investigator Penichet Contacted Rodriguez and provided him with the information required to obtain an opinion.

CONCLUSION:

After discussing these facts with the Advocate it was decided by him that no violation of the Conflict of Interest and Code of Ethics ordinance occurred. Case closed