

OFFICE OF THE INDEPENDENT ADVOCATE
REPORT OF INVESTIGATION

K #: K09-074

Date Opened: May 20, 2009

Date Closed: June 25, 2009

Name of investigators: Art Skinner and Breno Penichet

Allegation:

This Investigation is predicated upon information received in the form of an E-Mail alleging that Mr. Oscar Alfonso Mayor for the City of North Bay Village is violating City Ordinance by not obtaining permits for work being performed on his property.

Exploitation of Official Position: 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:

- COE Investigator B. Penichet received this investigation in an e-mail form, upon review of the information received it was noted that the complainant alleged that Mayor Alfonso had a sprinkler system put in his property without

having the proper permits, there was also a question that he was having the electrical service placed under ground from his electrical box to the FPL service without the proper permits.

- COE Investigators Art Skinner and Breno Penichet reviewed the information provided and after discussing the matter with the advocate it was decided to inquire from the building department if a permit was required and if one was applied for.
- A public records request provided no documentation that any permits had been applied for or issued by the City.
- COE Investigator Penichet contacted the company that allegedly did the work, Hernandez Lawn Sprinkler Corp. According to the President Mr. Pedro Hernandez he advised the work performed was only to replace broken pipes and sprinkler heads that were not working or missing. Hernandez further stated that his work did not include attaching the system to the city water meter that work would be done by NBV/ Public works since the Mayor had paid for the meter and the hookup.
- COE Investigators Art Skinner and Breno Penichet spoke to Mr. Robert Pushkin, Assistant City Manager City of North Bay Village. Pushkin advised that if a home owner is replacing an existing sprinkler system a permit is not needed, in the case of the Alfonso property there was a meter purchased for the City water and that included the final inspection. Pushkin advised that NBV does not allow wells, Pushkin further stated that Alfonso also had a permit for the under ground electrical from FPL. Pushkin was advised that a

public records request made to the City clerk's office by this Investigator had revealed that no permits were active on the property.

*** All documents have been made part of this file.**

CONCLUSION: All the above information was provided to Advocate and upon review it was determined that complaint is unfounded, Case Closed.