

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

Case# K11-089

Date Opened: June 22, 2011

Date Closed: June 25, 2012

Investigator: Breno Penichet and Kennedy Rosario

The Commission on Ethics & Public Trust (COE) received information from the State Attorney's Office Public Corruption Unit (SAO) regarding possible ethics violations committed by City of Miami officials. The allegation involved the use of City employees to do work on the home of Jose Marrero (Marrero), an aide to City of Miami Mayor Tomas Regalado (the Mayor).

Investigation:

COE investigator Penichet was instructed to contact ASA Johnette Hardiman in order to obtain the information necessary to proceed with this inquiry. ASA Hardiman advised that Miami Police Department (MPD) Internal Affairs Detective, Magdiel Armentereros (Armentereros), be contacted in order to set up a convenient time to meet and discuss the allegations.

Investigator Penichet contacted Armentereros and discussed the allegations. He advised that a memo was sent by Lourdes Blanco (Blanco), who works for the Mayor's office requesting that both swale areas¹ in front of 2516 S.W. 20 St. Miami, FL 33145, be constructed by a City crew. According to Blanco's memo, the person that resides at 2516 S.W. 20 St. Miami, FL is Marrero, an aide to the Mayor and a member of the Mayor's staff.

¹ In particular, the work to be done was what is called the "approaches". The approaches are essentially the curved portion of the curb that creates an entrance to a driveway from the street.

Armenteros advised that he was in the process of taking statements and gathering records. It was decided that the investigation would proceed under the control of the internal affairs unit, and the COE would monitor the progress.

COE investigators checked the property records for 2516 S.W. 20 St. Miami, FL and found that the property was, in fact, not owned by Marrero. The owners of record were Marisabel Bravo and Elina & Fransico X. Bravo.

COE investigators took pictures of the property and found that both approaches were constructed of concrete. The swale was filled with pea rock and the side walk appeared to be fairly new. Some homes along 20th street had concrete approaches and others did not. Det. Armenteros provided copies of e-mails between the Mayor's office and several persons in the City's Public Works Department (PWD). The e-mails revealed that there was an initial request to fix the sidewalk in front of the property to avoid a trip and fall. Other requests were to add gravel to the swale area in order to prevent the area from flooding. It appeared, from the communications, that this was an ongoing problem and the PWD was aware of it.

Det. Armenteros provided a DVD containing statements he took during the course of this investigation. The statements confirmed that a City work crew was sent to 2516 S.W. 20 St. Miami, FL with instructions to repair the sidewalk and work on the swale. It was clear that PWD employee, David Hernandez (Hernandez), was the person that directed the crew to pour the concrete driveway. It was also clear from the statements, that at least one of the requests came in the form of an e-mail directly from the Mayor's office, requesting the work be performed; this was the aforementioned e-mail sent by Blanco.

COE investigators, along with Deputy General Counsel Miriam S. Ramos, interviewed Marrero. The interview was conducted in Spanish since Marrero's English was limited. Marrero advised that he works in the Mayor's office along with Blanco. He denied ever asking Blanco to write the memo. Marrero explained that it was his job to report problems such as these and others that were reported to him by constituents. He advised that he lived in the property for six (6) years but was not the owner and this was an ongoing problem; also, there were other code violations on the property that the owner was trying to get Marrero to help her resolve. Marrero advised there was a problem with the side walk in front of the property and he reported it directly to Hernandez. He said that he took Hernandez to the property so he (Hernandez) could see it for

himself - the sidewalk and the flooding of the swale. Marrero advised that he was told that there was no money in the budget for the repair, but as soon as there were funds available the problem would be addressed. He advised, that to alleviate the problem, the City crew used pea rock as a temporary filler until a more permanent solution could be found. He stated that he moved out of the house and now lives several blocks away but is aware that the code violations have been addressed and the flooding problem is gone. Marrero advised that all his communications with Hernandez were by telephone or in person. He said that the allegation that he was involved in wrongdoing was politically motivated and had no merit.

Det. Armenteros notified COE investigators that his internal investigation was closed and no foul play was noted. COE investigators attempted to contact Hernandez, but were advised that he had retired. Numerous attempts to locate Hernandez were met with negative results.

Conclusion:

This case was discussed with the Advocate and, after his review, it was determined that there was no evidence of a violation of the Conflict of Interest and Code of Ethics ordinances committed by Marrero; accordingly, this matter is closed without further action.