



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigators: Breno Penichet and Manuel Diaz

Case No.: K13-161/ C13-048	Case Name: Lamar v. Renfrow	Date Open:	Date Completed:
Complainant(s): Philip Torres	Subject(s): Adriana Lamar John Renfrow	December 16, 2013	February 26, 2013

Allegation(s):

Miami Dade-County employee Phillip Torres (Torres) filed complaint C13-048 against John Renfrow (Renfrow), Director Miami-Dade Water and Sewer Department and Adriana Lamar (Lamar), Miami-Dade Water and Sewer Department Chief Public and Governmental Affairs. Torres alleged that Renfrow /Lamar intentionally provided copies of the wrong document in response to his public records request. Torres also alleged that the request was not handled in an expeditious manner as it is mandated by Florida Statutes.

Torres also makes reference to the fact that he is being charged a large amount of money for the processing of his request.

Relevant Ordinances:

Sec. 2-11.1(g), Miami-Dade Conflict of Interest and Code of Ethics Ordinance, *Exploitation of official position prohibited*

“No person included in the terms defined in Subsections (b)(1) through (6) and (b)(13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others...”

Citizens' Bill of Rights (A)(3),

"Public Records. All audits, reports, minutes, documents and other public records of the County and the municipalities and their boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public.

Investigation:

COE investigators reviewed the complaint along with the exhibits. In reviewing the information provided by the complainant Torres COE investigators found the following.

- Torres sent an e-mail addressed to Lamar on 10/13/ 2011 requesting a copy of a "report submitted by the task force at the end of 2008, regarding the evaluation /assessment of the plans review section of the New Customer Division" and Torres went on to state that the task force was headed by Vladimir Murad (Murad), Controller.
- On 10/26/2011, Torres received an e-mail from Lamar with an attachment entitled "Agreed upon procedures on new Customer Division's business processes and Business applications," dated 12/31/2008. The report was presented by a company called "Marcum Rachlin, Accountants and Advisors".
- On 10/26/2011, Torres sent Lamar an e-mail explaining in more detail the exact information he was looking for. Lamar answered the e-mail by letting Torres know that she will forward the information to the appropriate party.
- On 11/14/2011, Lamar sent Torres an e-mail advising him that the task force he is referring to, never sent a final report. At this point Torres, in his complaint, claimed there was a final report filed dated 1/13/2009.
- On 1/28/2014, Lamar provided a copy of a draft report from Dianne Camacho, Assistant Director Finance, to Renfrow, via Joseph Ruiz, Deputy Director of Operations (dated 2/27/2009), Subject: New Business Close out Report. The reports show different dates. Lamar further advised that Torres received a copy of this report included in a CD provided to him as a result of another PRR.

Interviews:

Adriana Lamar
Public Affairs Manager
Water and Sewer Department
3071 SW 38 Avenue
Miami, Florida 33146
(786) 552-8087

On 1/28/2014 Lamar voluntarily agreed to meet with COE investigators and provide information regarding this investigation. Lamar was advised of the allegations and complaint filed against her by Torres and was provided a copy of the complaint due to the fact she had not received her copy. Lamar advised that she is the custodian of records and is designated by the director to accept Public Records Request (PRR) and release the records after they have checked and approved.

Lamar advised that she received a PRR from Torres on 10/26/2011, requesting a specific report. Lamar advised that she forwarded the request to the proper person and department, she did not know which report or the topic of the report Torres was asking for. Lamar advised that she provided Torres the records she was given by Murad the head of the Finance department. Lamar advised that all records are reviewed by the County Attorney's office prior to being released.

Lamar advised all the records provided to Torres were part of his request. Lamar also advised that Torres made two other requests for records. Lamar advised that Torres advised he would seek legal advice because of pending litigation involving some type of disciplinary action. Lamar denied being told by anyone in the WASD not to provide the records requested. Lamar provided a time line showing all the actions taken as a result of these requests.

Vladimir Murad
Comptroller
Water and Sewer Department
3071 SW 38 Avenue
Miami, Florida 33146
(786) 552-8087

On 2/19/2014 Murad voluntarily agreed to be interviewed telephonically and provide information concerning this investigation. Murad advised that he is the comptroller for the WASD. Murad received the PRR made by Torres and after reviewing the request provided the complete report issued by "Marcum Rachlin, Accountants and Advisors" titled "Agreed upon procedures on new Customer Division's business processes and Business applications," dated 12/31/2008.

Murad advised that he provided the report because of the wording in the request. Murad advised the Marcum Rachlin report was very thorough and brought out all the weaknesses in the system. Murad advised that when Torres made the subsequent PRR he had the IT department make a CD and include all the documentation available on that topic covering a

broader time frame.

Phillip Torres, Complainant

On 2/21/14 Torres voluntarily agreed to be interviewed telephonically and provide information concerning this investigation. Torres advised that he filed the complaint because he felt that his PRR was mishandled and that he was denied records by the WASD. Torres advised that he did not remember if Lamar offered to fix the CD that was provided as a result of his other PRR. Torres would not identify the person who provided the copy of a report from Dianne Camacho, Assistant Director Finance, titled; New Business Close out Report, which he claims was being concealed from him. Torres could not say if the draft of that report was contained in the CD that was provided by Murad. Torres advised that he has civil litigation pending against the WASD.

Document/Audio/Video Review:

1. Time line provided by Lamar of all steps and communications, for the public records request of 10/13/2011 by Torres (Item#1)
2. Time line provided by Lamar of all steps and communications, for the public records request of 1/12/2012 by Torres (Item# 2)
3. Time line provided by Lamar of all steps and communications, for the public records request of 8/5/2011 by Torres (Item# 3)
4. Copy of **Draft Report** by Diane Camacho to John Renfrow date 2/27/2009, Subject: New Business Close Out Report.

Conclusion(s):

COE Investigators reviewed the original complaint along with the attached exhibits. From the information provided, and the interviews it appeared that WASD personnel provided the documents that were requested, this was done within a reasonable time frame. Complainant is involved in litigation arising from a personnel action taken by some of the staff he is complaining about. The COE has just dismissed another complaint C14-11 filed by the same complainant with similar overtones.

All of the above information was turned over to the Ethics Commission Advocate for probable cause recommendation.