



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigators: Karl Ross and Breno Penichet

Case No.: K13-025	Case Name: Mayor Carlos Hernandez (Miami Guns)	Date Open:	Date Closed:
Complainant(s): Self-initiated, based on tip from source and blog report	Subject(s): Hialeah Mayor Carlos Hernandez, Antonio “Tony” Vega	Feb. 27, 2013	Oct. 7, 2013

Allegation(s):

The allegation is that Hialeah Mayor Carlos Hernandez (Hernandez) may have exploited his official position to help gain approval or expedite permitting for Miami Guns, located at 2640 W. 84th Street. The shop is or was owned, at times material to this case, by Antonio “Tony” Vega (Vega).

Vega ran for the Hialeah City Commission in 2011 – allegedly with the backing of Hernandez – but later abandoned his candidacy before the campaign was over. (See COE case K12-140). He later was alleged to have posted an item on Facebook stating that Hernandez agreed to “fast-track” the permitting of his gun range in exchange for his running for office against a political opponent of the mayor’s, Councilwoman Vivian Casals-Munoz.

Vega allegedly sent the remark via Facebook on or about July 2011, at the onset of the political campaign season for the Hialeah City Council. He subsequently ran and lost.

Relevant Ordinance(s):

The applicable ordinance is the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1, subsection (g) *Prohibition on exploitation of official position*, stating in applicable part that “No person ... shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others ...”

Investigation:

Interviews

Eric Johnson, Vice President Hialeah Association of Firefighters Local 1102

On Sept. 26, 2013, COE interviewed Eric Johnson (Johnson) and asked him about the alleged exchange with Vega. Johnson advised that Vega sent him the remark about having his firing range permit “fast-tracked” via a private message feature on his Facebook account. He said that, given the nature of its content, he felt it was appropriate to post it on Facebook page in order to expose Vega and the alleged quid-pro-quo involving the mayor. He said he later had a conversation with Vega about the message and that Vega reiterated his remarks about gaining Hernandez’s support to expedite approvals for his gun range. Johnson said, “My gun range is going to get fast-tracked.” He said Vega later made up a “far-fetched story” claiming that somebody hacked into his Facebook account and sent him the self-incriminating message.

Chief Ray Perez, former Fire Marshall Hialeah Police Department

On Oct. 2, 2013, COE interviewed Chief Ray Perez (Perez). (Note: Perez retired the day prior to the interview, but was Fire Marshall at times material to the investigation.) Perez stated that in late 2010 or early 2011, he received a complaint from somebody who had been using Vega’s firing range, which had been operating without a permit. He said the individual described what he considered to be “life-safety” issues and suggested “somebody could get killed.” He said the tipster (a Miami-Dade police officer) described holes in the wall behind the “back plate” or steel sheet behind the target area. He said the back plate was not thick enough for the type of ammunition being used. He said that he dispatched inspectors to the range and confirmed the information. He said Vega was given a choice: (1) cease and desist on the firing range and seek a city permit, or (2) have the entire business, including the retail shop, shut down. He said Vega chose the former option and, a short time later, submitted plans to the city for review.

Perez looked at documents obtained from the plans review file and opined that the process was not “fast tracked” and took longer than one might normally expect for the type of approval required. He noted the plans had been rejected on several occasions and picked up for corrections and then re-submitted. He said the Fire component alone took more than four (4) months and advised the plans inspector, Carlos Danaan, was reliable. He said that he, as Fire Marshall, does not report to the city’s mayor but rather the state Fire Marshall. He noted that nothing seemed rushed or irregular about the process. He said Vega converted the range from a lead-based ammunition facility to a “green” facility using “frangible” ammunition that breaks into fragments and does not leave a toxic residue. He noted Vega later filed a complaint against the range’s new owner when it was learned the new owner went back to using lead-based ammunition. He said the new owner has since gone back to frangible ammunition.

Perez reiterated he had no concerns about the integrity of the process, and he said Vega had gone “above and beyond” what was requested of him to obtain the permit.

**Ruben Suarez, acting Licensing Official
City of Hialeah**

On Oct. 3, the city's acting licensing official, Ruben Suarez (Suarez), was interviewed by telephone regarding the firing range license awarded by the city in February 2012. He said that, as far as he was aware, "everything was done properly" and there were no reports of undue influence being exerted to fast-track the process. He said the approval process took longer than usual for the firing range because the city had closed the range after learning about its operation.

Tony Vega

On Oct. 3, 2013, Vega was interviewed by telephone with respect to the allegations that Mayor Hernandez intervened on his behalf to fast-track the firing range permit. He said the mayor did not act improperly on his behalf. "We were denied more times than we were approved," Vega said, adding that his plans were "kicked back" on multiple occasions so that revisions could be made. "There's no substance to the mayor doing anything illegal or preferential for us getting the permit." He said he had no "active recollection" as to sending any email or other message to Johnson regarding the alleged quid-pro-quo about running for office in exchange for getting his approvals fast tracked for the gun range. "The record speaks for itself, we were denied for over a year," Vega said, with respect to the permit.

Document/Audio/Video Review:

On April 24, a copy of a political blog was reviewed in *Political Cortadito* alleging that Vega made a remark on Facebook to Hialeah firefighters union Vice President Johnson that he ran for office in exchange for assistance from Mayor Hernandez in expediting a permit for his gun range. A copy of the story was retrieved from <http://www.politicalcortadito.com/2013/02/21/tony-vega-challenges-hialeah-councilman-luis-gonzalez/>. A copy was printed out for the file. In pertinent part, the report quotes Vega's Facebook posting, stating: "Yo, Bud. I met with the Hernandez camp. They are gasping for support and offering sweet deals ... My range is getting fast-tracked as a result."

On May 20, property records were searched at miamidade.gov to identify the owner of the property where the gun shop was located. The records list the owner as BENA TOO INC & ET AL of Lady Lake, Florida. Property records with the Florida Division of Corporations identified the principals of BENA TOO INC as Nancy G. Pastroff, of 6420 SW 50th Ter., #304, Miami, FL, and Alan J. Davis, of 1381 Brier Creek Cir., The Villages, FL, as well as Barbara H. Davis (same address as Alan Davis.) A further Google search was conducted of the address, resulting in a listing to sell the property for \$1.25 million by Manuel Perez, a real estate agent with Keyes Commercial, (305) 519-5869.

Also on May 20, a search of corporate records shows that Miami Guns Inc. was created in 2010, and Frank Abay was listed as the sole officer of the corporation. A review of related documents, however, showed the company was first incorporated by Antonio Vega on or

about February 16, 2010.

On May 20, a public records request was made to the Hialeah City Clerk's office for a copy of any permit on file to operate a gun range at the address in question, 2640 W 84th Street. On May 24, the clerk's office provided records relating to the gun range, which now belongs to another operator, Frank Abay, owner of Superior Onsite Security. The documents included an Application for Federal Firearms License, as well as business records and licenses obtained by the previous operator (Miami Guns). The business records included the following:

- Application to obtain a business tax receipt, dated Feb. 29, 2012, identifying the type of business as a "Gun Range." The application is signed by Vega as the president of Miami Guns, Inc. A handwritten notation at the top of the page states: "Add License/ Gun Range." The application was processed the same day by "Castillo" (first name U/K).
- Application for an occupation license (Business License), date-stamped Feb. 3, 2012, for a "shooting range" submitted by Vega/ Miami Guns, Inc. The official use portion of the form states the zoning for the property is M-1 (industrial) and that its previous use was "warehouse." The application is signed by a zoning inspector on March 6, 2012.
- Receipt for payment of \$150 for the issuance of a business tax receipt. The receipt is dated Feb. 29, 2012, and is valid for the fiscal year 2011/ 2012.
- An inspection notice from the Hialeah Fire Prevention Bureau, stating that "This inspection has been approved." It is signed by inspector Raul Cardoso, (305) 883-6900.
- A copy of a Federal Firearms License issued by the U.S. DOJ Bureau of Alcohol, Tobacco, Firearms and Explosives, issued to Miami Guns and dated May 18, 2010. The license is for a firearms dealer, and expires on June 1, 2013.

On Sept. 26, 2013, COE visited the Hialeah clerk's office to review the plans and permitting file on 2640 W. 84th Street, the location of the gun shop and firing range. A review of the files showed that a previous application submitted by Vega shows that an application for occupational license in March 2010 was approved for retail but not for a firing range.

The file showed that a subsequent application to obtain a license to operate a firing range at the same property was approved on or about February 29, 2012.

A review of the plans processing file showed that plans for the firing range were first submitted with code compliance on or about March 17, 2011, and that the plans were

approved on or about October 3, 2013. The handwritten entries on the jacket of the file suggest the plans were rejected on at least three occasions, but were later picked up by the applicant in April, August and September and then re-submitted for further review.

The entire process took approximately six months, the records show.

Conclusion(s):

Based on the available information, there is nothing – other than Vega’s alleged remarks – to suggest that the business license or permit awarded to Miami Guns on Feb. 29, 2012, was expedited or “fast-tracked” by city inspectors and plans examiners. To the contrary, the process took more than six months and was regarded as lengthy when compared to similar applications. The investigation found that the city’s Fire Marshall took prompt action against the firing range when it was found to be operating illegally and that the range was not re-opened until about a year or more later, by which time it had obtained the necessary approvals. Based on the above findings, there does not appear to be a violation of any provision under the jurisdiction of the Ethics Commission. Accordingly, the instant case is closed without further action.



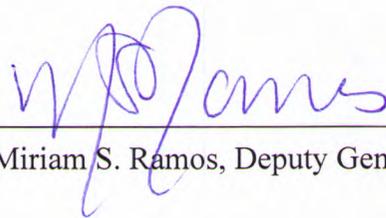
Karl Ross, COE Investigator

Breno Penichet, COE Investigator

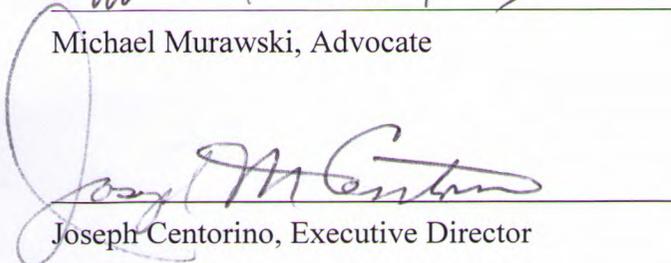
Approved by:



Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director

10/8/13
Date