



**Miami-Dade Commission on Ethics & Public Trust**

**Investigative Report**

**Investigator:** Karl Ross

<b>Case No.</b> K14-024	<b>Case Name:</b>	<b>Date Open:</b>	
<b>Complainant(s):</b> anonymous COE hotline tip	<b>Subject(s):</b> Charles McDermott	March 11, 2014	

**Allegation(s):**

It was alleged that a City of West Miami official improperly suggested that he should be consulted as to the selection of a roofing contractor for a local resident. The allegation was received anonymously via the COE hotline on the evening of March 9, 2014.

**Relevant Ordinances:**

The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance states in subsection 2.11-1(p) titled *Recommending professional services* that “No person ... may recommend the services of ... any other person or firm, professional or otherwise, to assist in any transaction involving the [city] or any of its agencies.”

Miami-Dade County Code, Sec. 2-11.1(g), Exploitation of official position prohibited, stating in applicable part that no person ... “shall use or attempt to use his official position to secure special privileges or exemptions for himself or others ...”



## **Investigation:**

### ***Interviews***

A call was received on Sunday March 9 on the COE hotline regarding alleged misconduct by a City of West Miami official.

The caller alleged that the Building Official for West Miami may have violated the ethics code by recommending professional services. The caller said they carefully selected a roofer for two jobs in West Miami and later contacted that town's building official to seek guidance.

The caller went on to say the official – whom they did not identify by name but said he has been a building official for many years and is a year away from retirement, made disparaging remarks about their choice of roofer – saying he was “lazy” since he hadn't bothered to contact him and otherwise suggested he was unfit or incompetent.

The caller said that the Building Official said something to the effect of “that was your first mistake” in reference to hiring the aforementioned roofer and that, “Your second mistake is that you didn't come to see me first” about selecting a roofing contractor. The caller was upset by his remarks and contacted the mayor of West Miami. I explained how our process works and provided my contact information should they wish to follow up on this matter.

After a case number was assigned, COE contacted West Miami City Manager Yolanda Aguilar (Aguilar) on March 31. Aguilar advised as follows:

She advised that she did speak to the person who called the COE hotline, and that she relayed the conversation she had with, as it turned out, one of the city's code enforcement officials – Charles McDermott (McDermott). She said she spoke to McDermott, who advised that the caller was upset because they were unable to speak to the city's planning and zoning director, Juan Pena. Aguilar said that the caller's architect had tried unsuccessfully to circumvent the city's permitting process and the caller was intervening.

Aguilar further advised that McDermott told her he did make a remark that may have been misinterpreted. He said he suggested the caller should have hired a local roofer who would be more familiar with the city's building code, instead of a roofer from “down south” who presumably would be less familiar with the codes. He told Aguilar he did not mean to imply that he wanted to refer anybody in particular.

“I have a feeling they had a personality clash,” Aguilar said. She said she subsequently spoke to the caller– who had also complained to the mayor, Eduardo Muhina (Muhina). She stated that Muhina, an architect, personally inspected the caller's roof and gave advice as to how to



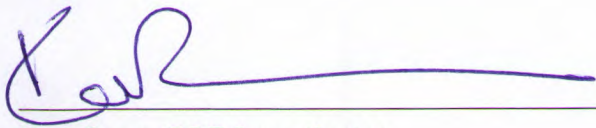
address the issue of a previous structure. She said that Muhina told the person that he could not provide any professional services as this might present a conflict.

Aguilar said the caller was pleased with the mayor's assistance and has not pursued any further issues with McDermott. She said that McDermott is close to retirement age, and to her knowledge does not have outside employment. She described him as a "loyal employee" who has a tendency to speak out of turn. She said that she would make him available, if needed.

**Conclusion(s):**

Upon consultation with the Ethics Advocate, it was decided the case should be closed without further action. The allegations, on their surface, do not appear to rise to the level of posing a potential violation of the ethics code. Had the official in question actually recommended a roofer or other contractor to assist the resident, then an action could potentially be brought against the city official for recommending professional services.

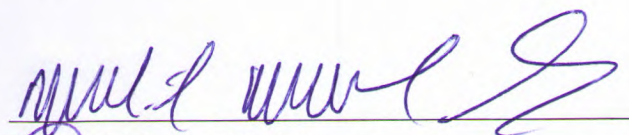
Given that the matter was addressed administratively by the city manager and that the caller has not re-contacted COE to request further assistance, it would seem the matter has been put to rest and the official in question has been advised as to the consequences of what appear to be ill-advised remarks to a citizen who was having difficulty with a code compliance issue.

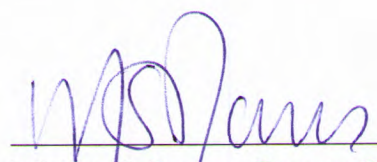
  
Karl Ross, COE Investigator

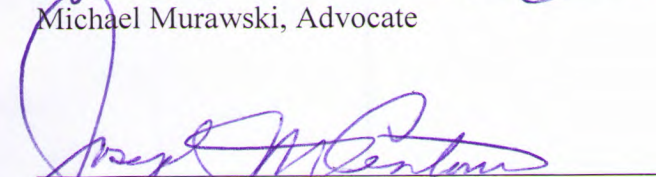
**CASE  
CLOSED**

Date: 4/7/14

Approved by:

  
Michael Murawski, Advocate

  
Miriam S. Ramos, Deputy General Counsel

  
Joseph Centorino, Executive Director

4/7/14  
Date Closed