

Miami-Dade Commission on Ethics & Public Trust

Preliminary Inquiry Report

Investigator: Breno Penichet

Case No.: PI 14-023	Case Name: Drive Way 1756 SW 12 Avenue	Date Open:	CASE CLOSED Date: 8/11/14
Complainant(s): David Maer	Subject(s): Juan Carlos Diaz	April 24, 2014	

Allegation(s):

The COE received a call from David Maer (Maer) an Assistant State Attorney. He advised that as he was driving down 12th Avenue he noted that there is a major road construction project on SW 12th Avenue from Coral Way to 8th Street, and that, coincidentally, there was driveway work being done on a home at 1756 S.W. 12 Avenue. The home is owned by a WASD employee, Juan Carlos Diaz (Diaz), which is a couple of blocks from the construction. Maer took a picture of the work being done. While it may be a mere coincidence, Maer felt that the work crew, which appeared to be a City of Miami crew, might be making an approach for Diaz' driveway.

Relevant Ordinances:

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

"No person included in the terms defined in subsection (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..."

Investigation:

Interviews

COE investigators reviewed the original complaint along with the attached pictures. It appeared from the pictures that a City of Miami Public Works crew was working in the area framing what appeared to be an approach or a ramp for handicap access to the sidewalk.

COE investigators obtained a copy of the permit history for the Diaz property; a review revealed no open permits for a driveway, in fact, there were no permits pending.

COE investigators also conducted an area canvass and found that the approach in question was in front of the property's front gate, with a walk way to the front door. The canvass also revealed several access ramps for handicap and swale repairs.

Maurice Pons
Assistant Director
City of Miami, Building Dept.
444 SW 2nd Ave., 4th floor
Miami, Florida

On 6/24/2014, Maurice Pons (Pons) was contacted and advised of the nature of the investigation. Pons voluntarily agreed to meet with COE investigators and provide information regarding this investigation. Pons reviewed the pictures and advised that to his knowledge there was no building project taking place in the area. Pons referred us to the Public Works Director J. Santana.

J. Santana
Assistant Director
City of Miami, Public Works Dept.
444 SW 2nd Ave., 8th floor
Miami, Florida

On 7/16/2014, J. Santana (Santana) was contacted and advised of the nature of the investigation. Santana voluntarily agreed to speak with COE investigators and provide information regarding this investigation. Santana advised that to his knowledge there was an ongoing active road project taking place in the area. Santana advised Florida Department of Transportation (FDOT) was updating drainage, repairing sidewalks, ADA access ramps and swale repairs. Santana advised that SW 12th Avenue is a State Road.

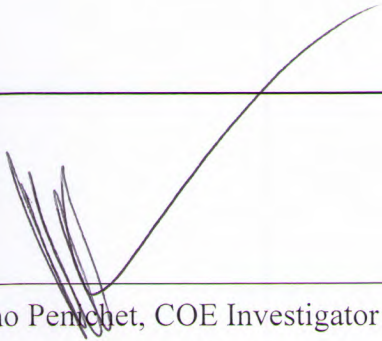
Document/Audio/Video Review:

1. Pictures of crew making repairs
2. Permit history for 1756 SW 12 Ave., Miami, FL
3. Property Appraisers summary report
4. Florida Corp paperwork for Diazberg Trading, Inc.

Conclusion(s):

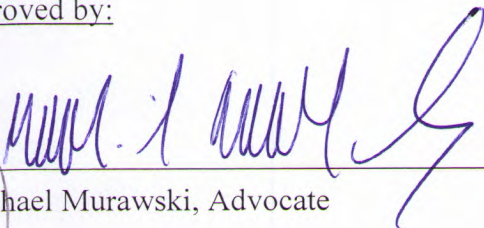
As a result of reviewing the documents provided, an inspection by COE investigators and information obtained from the City of Miami, there does not appear to be any ethics related violations.

Advocate Michael Murawski advised that no further action would be taken. Accordingly, the case is closed without further action.

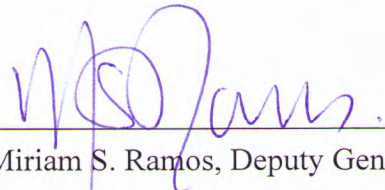


Breno Penichet, COE Investigator

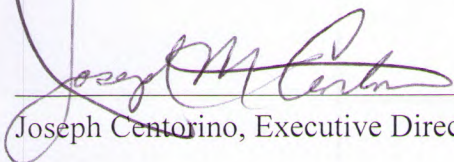
Approved by:



Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director

8/11/14

Date