



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

**Preliminary Inquiry Report**

**Investigators:** Karl Ross, Larry Lebowitz

<b>Case No:</b> PI 14-039	<b>Case Name:</b> Mayor Jose M. Diaz - code violations on home	<b>Date Open:</b>	<b>CASE CLOSED</b>  Date: <u>10/2/14</u>
	<b>Subject(s):</b> Jose M. Diaz	July 31, 2014	

**Allegation(s):**

A preliminary inquiry was opened in response to allegations that Sweetwater Mayor Jose M. Diaz (Diaz) fired a city police commander as retaliation after the former commander, who was also responsible for overseeing the city's code enforcement office, responded to reports of building code violations at the home of Mayor Diaz at 621 SW 104<sup>th</sup> Avenue in Sweetwater.

**Relevant Ordinances:**

The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (Sec. 2-11.1) states in subsection (g) titled *Prohibition on exploitation of official position*, 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***

On June 4, 2014, COE interviewed Mario Miranda (Miranda), a former Sweetwater police commander and the city's former code enforcement supervisor. Miranda said he was separated from his city service about seven months ago after informing the mayor of alleged code enforcement violations at his personal residence at 1621 SW 104th Avenue. He said he has filed a lawsuit against the city with reference to this matter, and that it remains under litigation.

On June 5, 2014, COE spoke to Miranda again. He advised that Carlos Lanza, the city's building official, oversees code enforcement. He said the division is run mainly by Jorge Vega (Vega), one of the inspectors. He said Vega has more expertise in code enforcement matters. He said the code enforcement office is located on NW 112<sup>th</sup> Avenue and 14<sup>th</sup> Street.

On June 12, 2014, COE met with Vega, code compliance supervisor for the city of Sweetwater, to discuss several matters, including the status of the alleged code violations on the mayor's home. Vega advised that the violations had been noted, and the mayor was taking corrective action. He agreed to follow-up on this subject at a later time.

On July 29, 2014, attorney Gerald Tobin (Tobin), stated the following with respect to his client, Miranda, a former Sweetwater police commander with oversight of code enforcement.

Tobin said Miranda got a tip about violations at an address and, without knowing it was Diaz's address, found violations on the property. He said that when Miranda realized it was the mayor's home, he went to see the mayor as a courtesy to inform him of the violations. He said Miranda suggested the mayor begin to remedy the violations, but that the mayor allegedly told him "you should mind your own business." He said Miranda then told Mayor Diaz he would be "treated like any other citizen" in the same situation.

Tobin said that as a result of this encounter, Miranda received a termination letter from the mayor on Oct. 3, 2013, and no cause for the action was provided in the letter. He said the mayor later offered to re-hire him after his position on the command staff had been eliminated, but that Miranda refused the offer, fearing it was a ruse of some sort. He said Miranda intended to file a lawsuit against the city with respect to this matter.

On Sept. 26, 2014, investigators Ross and Lebowitz returned to the Sweetwater code enforcement office and reviewed the file on Mayor Diaz's residence, obtaining copies of a complaint filed by Miranda dated Oct. 25, 2013, along with photographs of the alleged code violations taken during a subsequent inspection by Code Compliance Supervisor Vega.

Vega was interviewed at that time, and advised as follows:

Vega advised that the alleged violations involved the use of tar paper on a utility shed adjacent to the home, as opposed to roofing shingles or tiles, and the failure to enclose a covered and tiled area on the back patio of the mayor's home. He said that work to address these



deficiencies was covered under a 2011 building permit, since renewed.

Vega advised that Mayor Diaz re-applied for the permit on Oct. 11, 2013 – two weeks before the complaint was filed by Miranda, who by that time had been terminated as a city employee. Vega stated that he inspected the property on Oct. 30, 2013. He said the mayor was present during the inspection but in no way attempted to interfere with the process.

Asked if there was any record of an anonymous complaint against the mayor's home that might have prompted Miranda's complaint, Vega advised that he was aware of no such complaint having been received by Miranda or anybody else on his staff. He said Miranda was a police commander, who was only involved in overseeing the code enforcement office in a perfunctory way. Vega said Miranda never conducted field inspections, and would have assigned any anonymous complaint to himself or another inspector rather than take care of it himself. "He barely ever went out to the field to do anything," Vega said.

Vega said that Miranda spent about half an hour each morning at the code enforcement office before leaving for the police station. He said that Miranda's role was limited to reviewing notices of violation before they were issued and signing them. Vega noted that among his other duties, Miranda oversaw the city's detective bureau. He said Miranda would usually show up between 8:45 a.m. and 9 a.m., and leave shortly thereafter.

Vega said that no violation was filed against Mayor Diaz because he already had a permit at the time the complaint was received. He said the permits are typically good for six months, and are then rolled over for another six months if an inspection shows work being done.

Investigators proceeded to visit the city's building department, located next door to the code enforcement office and obtained copies of permits and applications.

Later that afternoon, photographs of the mayor's residence were taken, showing that work was in progress and that the rear patio was being enclosed with cinder blocks.

### *Documents Reviewed*

As part of this investigation, the following documents were reviewed:

- Miami-Dade County property appraiser's records for the mayor's residence.
- Copies of the complaint filed by Miranda and inspection reports contained in the city's code enforcement files.
- Copies of building permits and related applications on file with the city's building department.

**Conclusion(s):**

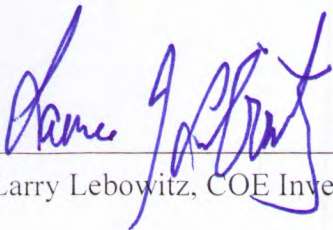
After discussion with the Ethics Advocate it was determined this inquiry should be concluded since it is a personnel matter and is being pursued through appropriate litigation.

A preliminary review of the matter found no code violations at the mayor's residence and no evidence the mayor exploited his official position as it relates to this matter.

Accordingly, the inquiry should be closed at this time.

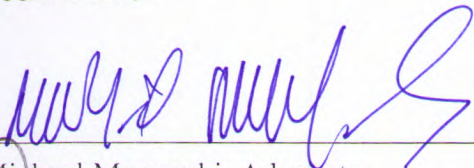


Karl Ross, COE Investigator

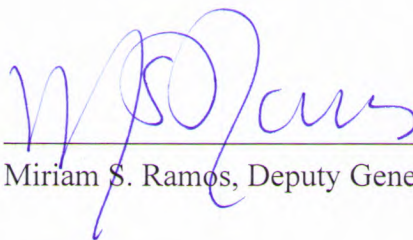


Larry Lebowitz, COE Investigator

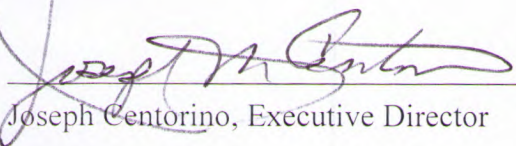
Approved by:



Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director

10/2/14

Date