



Miami-Dade Commission on Ethics & Public Trust
Report of Inquiry

Investigator: Sylvia Batista

Case: PI18-053	Case Name: Israel Maldonado, M-D Regulatory and Economic Resources Dept., Building Support Section -	<u>Date Opened:</u> CASE CLOSED	
Complainant: Berta Alicia Artiga,	Subject: Luis & Luis AC Corp.	Date: 10/26/18	12/4/18

Allegation(s):

On 10/26/18 Berta "Alicia" Artiga (Artiga) contacted the COE to inform of an incident which has developed involving the air conditioning installation job done at the condominium property that she and her husband own and reside in. The property is the Third Horizons Condo, 1530 NE 191 Street, Unit 308, North Miami Beach, FL 33179.

Artiga explained that the condominium management company recently entered into an agreement with LUIS & LUIS AC Corp. (LUIS & LUIS) for the installation of new AC units for approximately 48 of the 78 units which comprise the property.

Artiga explained that after the AC unit was installed in her condominium, she received a Courtesy Notice of Violation from Miami-Dade County Regulatory and Economic Resources Dept., Building Support Section (RER) informing her that the AC system installation, including the electrical labor, performed by LUIS & LUIS had been done without the required building permit(s). The same violation was given to each of the residents who had the work done on their units by LUIS & LUIS.

Artiga and her neighbors became very upset at receiving the notice. They had been told that all permits had been obtained and that the contractor, LUIS & LUIS, was a licensed AC

contractor. As it was later discovered, LUIS & LUIS had not pulled the required building permit for the job and was not licensed to do the work.

RER sent the notices of violation after they went out to inspect the property and saw the work had been done without a permit by an unlicensed contractor. The County inspector who came to review the job is named Julio Duque (Duque). Artiga said that her neighbors who received the same notice from RER blame her because they saw that Duque inspected the work done inside her apartment first. They think she called the County to inform on them. Artiga and the other residents were told that they would all have to pay more money to the homeowners' management company for them to comply with the notice of violation.

Artiga said that she filed a Miami-Dade County Contractor Complaint Form and has subsequently been dealing with Israel Maldonado (Maldonado) from RER. Maldonado is a Contractor Licensing Investigator with RER.

Maldonado told Artiga that he worked out a deal with LUIS & LUIS in which LUIS & LUIS will give her back her money as restitution. Artiga said that this deal is not intended for the other 40+ families that have the same problem. Artiga said that when she asked Maldonado to send her the check by mail, he insisted that it must be handled in person. This made her suspect that this deal is not legal.

Artiga contacted the COE because she wants to make sure that this arrangement is legal. Why would a county employee act as a go-between between her and LUIS & LUIS to give her back her money, but only in person?

Artiga provided the COE with a copy of her complaint and the contract between LUIS & LUIS and the management company. Alicia is going to collect the check and advise the COE once she has it.

The COE initiated an inquiry to determine whether the agreement proposed by Maldonado is part of a legal process.

Documents reviewed:

11/14/16 – Agreement between LUIS & LUIS and the homeowners association (in Spanish and English).

06/17/17 – Check #166 in the sum of \$840 from LUIS & LUIS payable to Oswaldo Ponce as payment of the AC installation in Unit 308.

09/04/18 – Courtesy Notice of Violation to Artiga from RER issued by Julio Duque, Building Inspector. The notice gives Artiga until 12/03/18 to correct the violation and notify the Building Inspector that the violation has been corrected.

09/25/18 – Letter to Artiga from Kelley & Grant, P.A., counsel for Third Horizons Condominium Association responding to Artiga's public records request.

10/12/18 – Artiga’s Miami-Dade County Contractor Complaint.

10/25/18 – Cashier’s Check from Luis Calixto Diaz of LUIS & LUIS in the sum of \$840 as restitution for the job done at Unit 308 of the Third Horizons Condominium.

10/23/18 – Sworn Statement from Luis Calixto Diaz (son) of LUIS & LUIS declaring that he will return the money paid by the residents of Third Horizons Condominium. The statement includes the \$840 payment made to Oswaldo Ponce, Artiga’s husband.

10/24/18 – Sworn Statement from Luis Calixto (father) of LUIS & LUIS declaring that he will return the money paid by the residents of Third Horizons Condominium.

10/23/18 – Sworn Statement signed by Luis Calixto Diaz (father) stating that he was hired by the Association of the building located at 1530 NE 191 Street to work on the air conditioners and drainage systems of the building. He was paid per job completed. The Association collected \$1,700 per unit from the residents and paid him the sum of \$1,225 by check for the work done on three units.

10/25/18 – Agreement to Obtain Contractor’s License signed by Luis Calixto of LUIS & LUIS.

10/25/18 – Receipt from RER of the \$300 payment made by Luis Calixto.

Corporate details of LUIS & LUIS AC CORP. from the Florida Division of Corporations. LUIS & LUIS is a Florida for profit corporation which was voluntarily dissolved on 09/28/18.

Interviews:

11/05/18 – Israel Maldonado, Contractor Licensing Investigator, M-D Regulatory and Economic Resources Dept., Building Support Section -

Israel Maldonado (Maldonado) explained that this matter involves an agreement between the Homeowners Association of Third Horizons Condominium, Inc. (the Association) and LUIS & LUIS AC Corp. (the Contractor). The Contractor performed the work on the 45 units at Third Horizons Condominium pursuant to an agreement with the Association. There was a complaint from the property manager stating that the contractor did not have a certificate of competency. Also, the Contractor did not pull a permit for the job.

B. Alicia Artiga, as well as other unit owners who had the work done on their units were issued a courtesy notice of violation for the work done on their ACs. Only four (4) of the 45-unit owners filed complaints with Maldonado’s department, RER. The Association admitted to knowing that the Contractor did the work without permits. The Contractor offered restitution only to the four

unit owners who filed complaints. One of them was Artiga. The Contractor signed an agreement to get his certificate of competency. Artiga and the current Association are in a dispute. The matter was referred to the Florida DBPR.

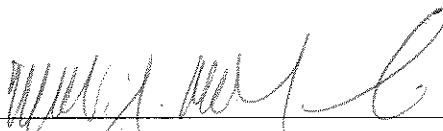
The Contractor offered restitution to avoid criminal misdemeanor charges. Four unit owners have gotten their money back. Artiga is one of them. RER is involved to make sure that the Contractor gives restitution and signs an agreement that they will become properly licensed.

Conclusion:

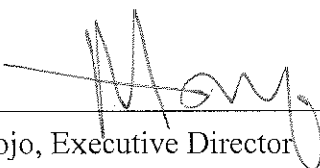
The COE addressed the issue brought forth by Berta Alicia Artiga and found no evidence to indicate that an ethics violation was committed by Israel Maldonado of RER in his handling of this matter. Accordingly, this matter can be closed with no further action by the COE.


Sylvia Batista, COE Investigator

Date: 12/5/18


Michael Murawski, Advocate

Date: 12/4/18


Jose Arrojo, Executive Director

Date: 12/4/18