



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Karl Ross

Case: PI 18-01	Case Name: Sunny Isles Beach Marina Dispute	<u>Date Open:</u>	<u>Date Closed:</u>
Complainant(s): Craig Feigin	Subject(s): SIB Code Compliance officers Franklin English and trainee, Rulx Simoniz	Jan. 10, 2018	Jan. 29, 2018

CASE CLOSED

Allegation(s):

Date: 3/7/18

The complainant alleged that City of Sunny Isles Beach parking enforcement officers Franklin English and Rulx Simoniz (a trainee) “colluded” with the owner of the Winston Towers Marina, Stephen Corbett, to improperly issue parking tickets to his vehicle.

The complainant, Craig Feigin, maintained that he was authorized to park at the marina and had displayed a proper parking pass on his dashboard, visible through his window. He alleged he was repeatedly issued tickets as a result of this alleged improper relationship.

Mr. Feigin further alleged that his attempts to have this issue addressed by SIB parking and code enforcement personnel was unsuccessful.

Relevant Ordinances:

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

On Jan. 12, 2018, COE contacted SIB City Attorney Hans Ottinot by email and alerted him to the allegations made by Mr. Feigin against city personnel as it relates to the parking dispute.

COE requested any clarification the city could provide or, alternatively, to make the code enforcement officers in question available for interview pursuant to a COE inquiry.

City Attorney Ottinot responded that same day, and advised he had spoken to Deputy City Manager Stan Morris and that Morris advised he had already initiated an administrative review of this matter. Ottinot said he would share the findings with COE once available.

On Jan. 26, 2018, Mr. Ottinot provided a copy of the finding to COE, including a copy of a memo from Deputy City Manager Morris summarizing the city's investigative findings.

The memo concluded the tickets against Mr. Feigin's vehicle were improperly issued as a result of a "personal dispute" between the complainant and Marina owner. The memo stated a refund would be issued to Mr. Feigin through the Miami-Dade County Parking Department. It further stated the city would revise its process for issuing parking permits to the marina.

Document/Audio/Video Review:

A copy of a memo from Deputy City Manager Morris dated Jan. 22, 2018, was reviewed and provided an overview of the city's inquiry into the above-stated matter, including interviews with both code enforcement officers, Code Compliance Department Manager Helen Forbes, Marina owner/ operator Corbett and the complainant, Mr. Feigin.

The city's review found that Ms. Forbes – the departmental manager – had already initiated an investigation "and determined on her own that the parking citations had been issued in error." She was on personal leave from December 13 to January 8, so there was a delay in notifying Mr. Feigin as to the outcome of this review. Mr. Feigin, it should be noted, had contacted the SIB Police Department to file a complaint, which was then passed on to Mr. Forbes.

What's more, the city's review found that the underlying issue did not surround the issuance of the parking tickets so much as it did a threatened legal action by Feigin against the marina over the payment of rent. "Our investigation determined that Mr. Corbett and Mr. Feigin had a business relationship and the City was drawn into a personal dispute," the memo stated.

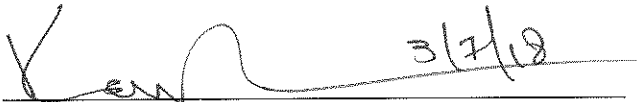
Conclusion(s):

The above-stated findings reveal that the parking tickets were improperly issued at the request of the marina owner as part of an ongoing business or "personal dispute" between the marina and Mr. Feigin. The city's code enforcement officers acted in good faith, but were unwittingly "drawn into a personal dispute" that was unrelated to parking authorization.

In reviewing the City's findings, it seems clear that the police incorrectly relied on the claim by the marina's owner/ operator that the complainant was not entitled to park at the marina. Once they realized this, they invalidated the tickets and changed their procedures so as not to depend entirely on the marina owner's word.


The underlying issue was a payment dispute between the marina owner and the boat/truck owner and the City was unwittingly drawn into this dispute. No improper motive on the part of the police is suggested. At worst, they showed poor judgement by not questioning the marina owner's claims.

Accordingly, there is no reason to suspect any possible collusion between officers English and Simoniz, and the preliminary inquiry should be closed without further action.

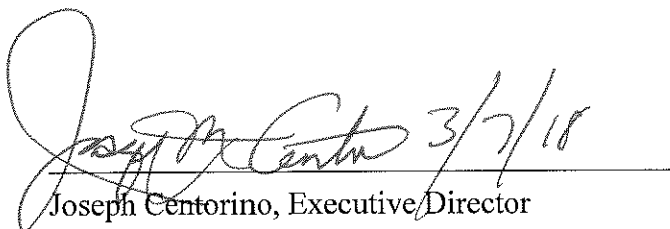
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Karl Ross, COE Investigator

Approved by:

 3/7/18

Michael Murawski, Advocate

 3/7/18

Joseph Centorino, Executive Director