



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

Investigator: Sylvia Batista

Case: PI18-014	Case Name: Roberto Martell,	<u>Date Opened:</u> 03/22/18	<u>Closed</u>
Complainant(s): Lily Stefano.	Subject(s): Building and Code enforcement.	CASE CLOSED Date: 5/31/18	

Allegation(s):

The COE received information from Lily Stefano (Stefano), resident of the Town of Medley, regarding Mayor Roberto Martell (Martell) of the Town of Medley. Stefano, a past election opponend of Mayor Martell, alleged that Martell has a history of abusing his power over the Town through the misuse of the Town's building and code enforcement authority.

Stefano described one situation in particular where a house owned by the Mayor has no code violations on record, however, the structure on the property was deemed unsafe by the Town after hurricane Irma. Stefano filed a public records request with the Town requesting records of all code compliance violations recorded on the property, but was informed in a telephone call that there are no records of any violations.

The COE initiated a preliminary inquiry to determine whether a violation of the Conflict of Interest and Code of Ethics Ordinance has taken place.

Relevant Laws:

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

No person included in the terms defined in Subsections (b) (1) through (6) and (b) (13) shall use of attempt to use his or her official position to secure special privileges or exemptions for himself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.

Document Review:

The COE submitted a public records request to the Town on 03/22/18 asking for copies of any and all open or closed violations and related documentation in connection with Martell's property located at 8331 NW South River Drive (Folio No. 22-3011-002-0410).

On 03/26/18 the Town Clerk provided responsive documentation which included the following:

- Property information from the County Property Appraiser's office describing the property as a vacant residential land with a lot size of 2,614 ft. owned by Martell, Jose Abreu and Eulalia Lopez;
- A Code Compliance Warning Notice dated 09/21/17 advising that owners cannot proceed with the erection or construction of any building or structure, nor make any improvement or demolish any building where the cost of the work is \$25.00 or more without first obtaining a building permit from the Building Department of the Town. The owners were given until 10/21/17 to obtain the required permits.
- Building Permit issued on 02/05/18 for a \$2,000 job involving backyard demolition which according to the permit was finalized on 03/08/18.
- Electrical Permit issued on 02/05/18 for a \$630 job described as backyard demolition. According to the permit the job was finalized on 02/06/18.

Interview:

05/23/18 – Mayor Roberto Martell

Mayor Martell was informed of the inquiry conducted by the COE on information provided by a past election opponent, Lily Stefano. Martell said that Stefano has been reaching out to law enforcement agencies, including the COE, misinforming about his activities in the Town of Medley. Martell said that he has not reacted to Stefano's falsehoods because he knows the truth and is aware of her motives. She wants his office.

Martell explained that he used to own a construction company, Martell Construction, and has a general contractor license. He decided to discontinue his construction work when he was elected for a seat on the Town Council. Although he could use his license anywhere outside of the Town, he thought it best to dedicate all of his time to politics. The Town of Medley has a strong mayor form of government which means that he is both Mayor and Town Manager.

Martell recalled speaking to the co-owners of the property in question, Jose Abreu and Eulalia Lopez, and telling them that they have to get permits before doing any more work on the property. Abreu and Lopez were working on the property without a permit and were cited for doing so.. He found out about the citation from an inspector who told him there was a code violation on the property. The property has never been considered unsafe to his knowledge. Martell said that after speaking to Abreu and Lopez, they got permits and the work was completed. Abreu and Lopez did not realize that one may not rebuild something after it is damaged by a storm without pulling a permit. Martell said that he spoke to them and they took care of it. They got the permits, and the inspections were completed. It is a closed matter. Martell said that although he appears as an owner of the property, Abreu and Lopez are responsible for managing it.

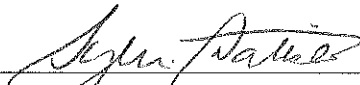
Martell said that Stefano has been trying to discredit him since before the last election. He is of the belief that you don't need to take any retaliatory action when someone tries to harm you as Stefano has. He believes that the truth will come out and everyone will know that he is innocent and she is lying.

Martell said that Stefano is presently running for a seat on the Town Council.

Conclusion:

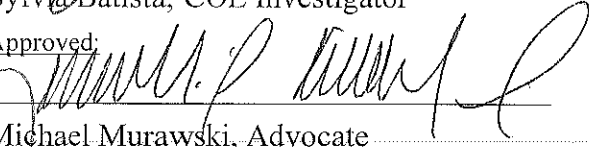
After discussion with the Ethics Advocate, it was determined that there was no evidence to support any ethics violations against the Mayor. A copy of the documents received by the COE in response to its public record request were given to the complainant. The Town provided its warning notice and the permits pulled by the property owners to the COE. The notice did not reflect that the property was deemed unsafe by the Town as was alleged by source.

For this reason, this matter can be closed with no further action by the COE.

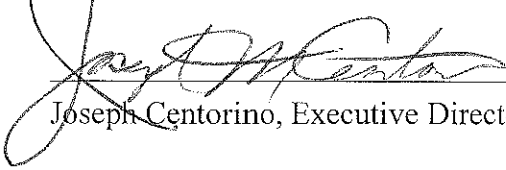

Sylvia Batista, COE Investigator

Date: 5/31/18

Approved:


Michael Murawski, Advocate

Date: 5/31/18


Joseph Centorino, Executive Director

Date: 5/31/18