

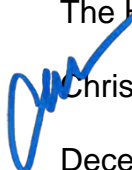


Memorandum



Miami-Dade County Office of the Inspector General
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To: The Honorable Carlos A. Gimenez, Mayor, Miami-Dade County

From:  Christopher Mazzella, Inspector General

Date: December 19, 2012

Subject: OIG Final Report Re: *Miami-Dade County Internal Services Department's Failure to Obtain Building Permits for Work Located in the City of Miami*; Ref. IG12-26

Attached please find the Office of the Inspector General's (OIG) final report regarding the above-captioned matter. This report, as a draft, was provided to the Internal Services Department (ISD). ISD's response is attached as Appendix A.

As noted in the report's conclusion, this finding—the failure to obtain necessary permits—was also found in another recent OIG investigation of a County roofing project located in the City of North Miami. As such, we are encouraged by ISD's frank response and detailed action plan.

Accordingly, the OIG requests receiving a status report that addresses the two projects cited in our report, as well as ISD's implementation of its new procedures and guidelines. The OIG requests that this follow-up, status report be supplied within 90 days, or by March 20, 2013.

Attachment

cc: Ed Marquez, Deputy Mayor
Lester Sola, Director, Internal Services Department
Charles Danger, Building Official, Miami-Dade County
Mariano Fernandez, Building Official, City of Miami
Charles Anderson, Commission Auditor

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL F
FINAL REPORT

*Miami-Dade County Internal Services Department's Failure
to Obtain Building Permits for Work Located in the City of Miami*

INTRODUCTION & SYNOPSIS

In June 2012, the Miami-Dade County Office of the Inspector General (OIG) began an investigation into an allegation concerning construction projects involving two divisions of the Internal Services Department (ISD): the Design and Construction Services Division and the Facilities and Utilities Management Division. Specifically, the complaint alleged that ISD performed two construction projects and did not obtain building permits as required. Based upon this complaint, the OIG initiated an investigation.

The anonymous complaint received by the OIG alleged that ISD performed construction projects at two Miami-Dade County facilities and that building permits were required, but were not obtained for either project. The construction projects were performed at the Stephen P. Clark Government Center, 111 N.W. 1 Street, Miami, Florida (Project #1), and the Miami-Dade County Fleet Management Shop #1, located at 703 N.W. 25 Street, Miami, Florida (Project #2). As both projects lie within the City of Miami, building permits from the City of Miami were required.

The OIG investigation substantiated the allegation that ISD was required to obtain building permits, but failed to do so.

OIG JURISDICTIONAL AUTHORITY

In accordance with Section 2-1076 of the Code of Miami-Dade County, the Inspector General has the authority to make investigations of County affairs; audit, inspect and review past, present and proposed County programs, accounts, records, contracts, and transactions; conduct reviews, audits, inspections, and investigations of County departments, offices, agencies, and boards; and require reports from County officials and employees, including the Mayor, regarding any matter within the jurisdiction of the Inspector General.

BACKGROUND: ENTITIES COVERED IN THIS REPORT

Miami-Dade County Internal Services Department: the Design and Construction Services Division and the Facilities and Utilities Management Division

The Design and Construction Services Division manages the architectural and engineering design process for the construction of new facilities and major renovation of existing space for Miami-Dade County facilities.

The Facilities and Utilities Management Division manages and maintains Miami-Dade County operated facilities. Both divisions are within ISD and were responsible for different facets of the two projects discussed in this report.

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RELEVANT GOVERNING AND ADMINISTRATIVE AUTHORITIES

Florida Building Code

Chapter 1 - Administration, Section 105 – Permits

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

INVESTIGATION

This investigation was conducted in accordance with the *Principles and Standards for Offices of Inspector General, Quality Standards for Investigations*, as promulgated by the Association of Inspectors General.

OIG Special Agents met with ISD/FUMD personnel relating to the two construction projects. As both County facilities are located within the jurisdiction of the City of Miami, an OIG Special Agent then met with officials from the City of Miami Building Department, where ISD/FUMD documents were reviewed. Below are two summaries, which include observations made by City of Miami Building Department officials, pertaining to the two projects reviewed.

Project #1

Information provided by ISD revealed that the project involved the construction of a security operations center on the first floor of the Government Center. The project was started in July 2010 and completed on or about November 2010. The office was constructed to facilitate security operations and monitor surveillance cameras, which were installed at various County facilities. The OIG met with building officials of the City of Miami Building Department, who, after reviewing the project documents, determined that a building permit was required and had not been obtained for this project. An ISD electrical supervisor confirmed to the OIG that he knew that an electrical permit was required but was not obtained.

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Project #2

Information provided by ISD revealed that this project involved the renovation of a lunchroom/kitchen at Fleet Shop #1. This project took place in September 2011. The OIG met with building officials of the City of Miami Building Department, who determined that a building permit was required and had not been obtained for this project.

FINDINGS & CONCLUSIONS

The OIG investigation substantiated the allegation that ISD was required to obtain building permits, but failed to do so for both projects reviewed. The City of Miami Building Department officials advised the OIG that building permits were required for both projects, and confirmed that the permits had not been obtained.

The failure by ISD to obtain building permits for these projects means that the projects were not inspected by qualified electrical, plumbing, and/or mechanical inspectors. The purpose of an inspection is to ensure that work is done safely and meets the requirements of the building code. Incorrect installations could result in life safety issues, potentially causing a hazardous situation for employees and the public, and could also lead to more costly repairs in the future. Currently, both projects are completed; however, neither has undergone an inspection as required.

The OIG finds this matter troubling, as the aforementioned investigative findings are similar to findings substantiated in another investigation conducted by the OIG (IG12-04). That investigation revealed that ISD failed to obtain a building permit until 16 months after the start of a substantial roofing project, and then significantly minimized the scope of the work and the cost of the project on the permit application. The OIG is concerned that a pattern of building code violations appears to be emerging and should, therefore, be addressed.

RESPONSE TO THE DRAFT REPORT & OIG COMMENT

The OIG provided this report, as a draft, to ISD. ISD's response is attached as Appendix A. In short, ISD agrees with the OIG's findings.

Accordingly, the ISD Director has instructed his assistant director to "(a) clarify and educate all relevant personnel in what does and does not require a permit; (b) establish a clear process for how permit compliance decisions are to be made, who is responsible for making them, and how such permitting requirements will be met (on a jurisdiction-by-jurisdiction basis, if necessary), and; (c) do whatever may be necessary to eliminate safety or code issues for the specific projects identified in [the OIG's] report."

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Furthermore, the ISD response enumerates three specific actions that it has taken or will take to address the report's cited concerns. First, ISD states that staff is in "the process of developing specific policies and guidelines to govern when and how permits are to be obtained from, and work approved by, the various jurisdictions within which this department performs work."

Second, to address the two projects cited in this report, ISD will contact the City of Miami Building Official's Office and make any corrections required by the City.

Third, ISD explains that a recent merger of the ISD maintenance operation and ISD's trade shops under a single chain of command should lead to better coordination and decisions made regarding the permitting of jobs.

The OIG appreciates the frankness of ISD's response and the thoroughness of the remedial actions outlined in its response. As such, the OIG requests that we be provided with a follow-up, status report from ISD that addresses the new policies and guidelines regarding the permitting of county projects, and the outcome of the permit issues with respect to the two projects cited in this report. The OIG requests that this status report be supplied within 90 days, or by March 20, 2013.

**Miami-Dade County
Office of the Inspector General**

Appendix A

Response from the Internal Services Department
(2 pages)

**Final Report
IG12-26**



miamidade.gov

Internal Services
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December 11, 2012

Christopher Mazzella
Inspector General
Office of the Inspector General
19 West Flagler Street, Suite 220
Miami, FL 33130

RE: OIG Draft Report, IG12-26

Dear Mr. Mazzella:

Thank you for the opportunity to review and comment on the Office of the Inspector General (OIG) draft report regarding the department's decision not to obtain building permits on two projects performed at facilities managed by the Internal Services Department.

I have reviewed the circumstances of these incidents with staff, and have found nothing to contradict your report's central finding that permits were neither requested nor issued for these projects.

In reviewing the case of the security operations center ("Project #1" in your report), it is clear that the project's scope of work met requirements that would necessitate input and approval of the City of Miami Building Official in accordance with the Florida Building Code. With regards to the Fleet Shop Luncheon/Kitchen (Project #2), the opinion rendered by the City of Miami Building Official in response to your inquiry, i.e. that a permit is required and should have been obtained, is the final word in the matter.

In order to address these problems, I have directed Leland Salomon, Assistant Director, to (a) clarify and educate all relevant personnel in what does and does not require a permit; (b) establish a clear process for how permit compliance decisions are to be made, who is responsible for making them, and how such permitting requirements will be met (on a jurisdiction-by-jurisdiction basis, if necessary), and; (c) do whatever may be necessary to eliminate safety or code issues for the specific projects identified in your report. Toward that end:

1. Staff has initiated the process of developing specific policies and guidelines to govern when and how permits are to be obtained from, and work approved by, the various jurisdictions within which this department performs work. In resolving these matters, staff is and will continue to work with the County Attorney's Office, appropriate staff from the Regulatory and Economic Resources (RER) Department, as well as representatives from the building departments of other involved jurisdictions.
2. Staff will contact and solicit the assistance of the City of Miami Building Official's Office to review the work performed in the two projects cited in the OIG report, in order to ensure that the work was performed in a code-compliant manner. If necessary, we will make any corrections required by the City.

Delivering Excellence Every Day

3. As I have previously indicated, we have merged our maintenance operation (comprised of unlicensed mechanics) with our Trade Shops (comprised primarily of licensed technicians) under a single chain of command. As a result, we are seeing improved coordination of work between departmental units and an enhanced ability to see that properly licensed staff is consistently assigned to those projects that require it. This should also lead to better decisions regarding the permitting of jobs.

I trust that the information provided will assist you in finalizing your report. Should you have any questions or require further information, do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lester Sola", written in a cursive style.

Lester Sola, Director
Internal Services Department

- c: Edward Marquez, Deputy Mayor
Leland Salomon, Assistant Director, Internal Services Department
Jerry S. Hall, Division Director, Internal Services Department