

Biscayne Building
19 West Flagler St., Suite 220
Miami, FL 33130
Phone: (305) 375-1946
Fax: (305) 579-2656
www.miamidadeig.org

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

Memorandum

To: The Honorable Alex Penelas, Mayor

The Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and Members, Board of County Commissioners

From: Christopher Mazzella,
Inspector General

Date: May 25, 2004

Re: Arrests of County Employees in Building and Zoning Probe

Attached is a news release relating to the arrests of two County employees for accepting cash payoffs and the former County employee responsible for overriding the computer at the Building Department and issuing fraudulent certificates of completion and occupancy. The investigation focused on a scheme to bypass the building code and obtain false certificates of completion and/or occupancy without first scheduling and passing inspections. During the probe, it was discovered that not only was a County employee entering false data in order to obtain the fraudulent certificates but that other employees were accepting money in order to expedite the routing and searches of plans. The investigation was conducted with the assistance and cooperation of the County's Building Department. The OIG is continuing the investigation and is anticipating additional arrests as well as identifying other affected properties. We will work closely with the Building Department in identifying additional suspected properties.

cc: Mr. George Burgess, County Manager
Mr. Charlie Danger, P.E., Director, Building Department
Ms. Dianne O'Quinn-Williams, Director, Planning and Zoning Department
Mr. Herminio Gonzalez, P.E., Director, Building Code Compliance

Clerk of the Board (copy filed)



OFFICE OF THE INSPECTOR GENERAL
MIAMI-DADE COUNTY

COUNTY EMPLOYEES ARRESTED IN BUILDING PROBE FOR TAKING CASH PAYOFFS

The Office of the Inspector General (OIG) and the Miami-Dade State Attorney's Office announced today the arrests of three individuals in connection with a long-term investigation into the fraudulent manipulation of the computer system at the Building Department. Arrested was a former County employee responsible for corruptly overriding the County's permit and inspection requirements, as well as two current County employees arrested for accepting cash payoffs in exchange for "services."

The OIG and the Miami-Dade State Attorney's Office are continuing their long-term investigation of fraudulent contractors, expeditors, and County employees obtaining Certificates of Completion or Certificates of Occupancy without obtaining proper permits or conducting mandated inspections. To date, the investigation has resulted in the arrests of six individuals and the filing of eight felony criminal cases. According to Inspector General Christopher Mazzella, the investigation began as a probe into a corrupt County employee illegally issuing occupancy and/or completion certificates, thereby creating considerable public safety concerns due to lack of compliance with the South Florida Building Code.

Embery Byrd (Byrd), age 30, who resides in Miramar, Fl., was arrested on seven (7) counts of Official Misconduct and one (1) count of Unlawful Compensation in connection with his activities as an employee of Miami-Dade County. During the course of the investigation, Byrd resigned voluntarily and unexpectedly on September 4, 2003 from his position as a Zoning Plans Processor in the Planning and Zoning Department. He had been employed with the County since February 1993. According to one of the several arrest warrant affidavits filed by a Special Agent of the OIG, Byrd overrode the internal controls in the official County computer system and enabled fraudulent Certificates of Completion, Use and Occupancy to be issued.

The OIG investigation began at the request of Mr. Charles Danger, Director of the Miami-Dade County Building Department, who discovered information causing him to suspect that a County employee, Byrd, was issuing Certificates of Completion illegally. According to the affidavit, approximately 30 suspect Certificates of Completion were issued by a County employee. All of the certificates were issued only after the County employee illegally overrode inspection requirements in the County's computer system.

The affidavit alleges that in order to override the system, Byrd made numerous false entries into the Building Department's database to indicate that inspections occurred or that inspections were not necessary. The investigation revealed that inspections were not done on the properties and in some cases the work remains unfinished. The affidavit chronicles Byrd's manipulation of the computer system relative to six specific properties.

Further, the warrant states that Byrd accepted cash as a "gift" from individuals he assisted in obtaining the fraudulent Certificates of Completion. He is specifically charged with receiving \$650.00 as gifts for "his helpful assistance".

Also arrested for accepting monetary payoffs were two current County employees, Consuelo Jordan (Jordan), age 28, an employee of the Building Department and Marlene Marius (Marius), age 37, employed by the Planning and Zoning Department. Both employees are residents of Miami, Florida. Jordan began her employment with the County in June 1999 and Marius in June 1989. These individuals were arrested for unlawfully soliciting, accepting and receiving money during the course of their employment from customers of the Building and Zoning Departments. Jordan and Marius were charged with four (4) counts and two (2) counts of Unlawful Compensation, respectively.

According to the affidavits, both Jordan and Marius received money during the course of their employment in appreciation for their past and continued services. Jordan, employed as a Plans Processing Technician, was responsible for, among other duties, the data entry of the storage location of plans, the retrieval, tagging and storing of plans. Marius' duties and responsibilities were to assist customers in the microfilm section with research and obtaining copies of plans.

The affidavits state Jordan received four (4) checks for a total \$600.00 and Marius received two (2) checks for a total of \$145.00. Jordan was given the checks in appreciation for her services in expediting the routing and review of plans submitted to the Building Department. Marius, while working in the microfilm section of the Building Department, was paid money to expedite work and avoid the normal procedure of placing customer names on a waiting list for services. Additionally, Marius solicited money from a customer transacting business at the Building Department.

In commenting on the arrests, Inspector General Mazzella cautioned that this investigation is far from over. He indicated that the inquiry is focusing on certain potentially unsafe residences and business structures. He stressed that his office remains committed to rooting out those individuals who would corrupt the system and expose the community to the threat of unsafe structures and dwellings. The Inspector General expressed his appreciation to the County's Building Department for their continued assistance in the investigation.

Copies of the arrest warrants and arrest affidavits are available at the Inspector General's Office, 19 West Flagler Street, Suite, 220, telephone number 305-375-1946 and at the State Attorney's Office, c/o Ed Griffith, 1350 N.W. 12 Avenue, telephone number 305-547-0532.

Media Opportunity – Inspector General Mazzella will be available for a media opportunity today, Tuesday, May 25th, 2004 between 1:30 p.m. and 4:00 p.m. at the OIG office.