



Memorandum



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To: The Honorable Carlos A. Gimenez, Mayor, Miami-Dade County
The Honorable Jean Monestime, Chairman
and Members, Board of County Commissioners, Miami-Dade County

From: Mary T. Cagle, Inspector General

Date: February 11, 2015

Subject: PortMiami Facilities Superintendent Pleads Guilty to False Official Statements,
IG12-29

Angel Perez (Perez) surrendered to the Court today and pled guilty to one count of False Official Statements in connection with his failure to properly oversee fire sprinkler inspections and repairs at PortMiami. Perez, a Seaport Facilities Superintendent and County employee of approximately 17 years, was responsible for ensuring that PortMiami's fire sprinkler systems were properly maintained, inspected, and, as required, repaired. PortMiami contracts with companies to conduct annual inspections that are required by state law and which follow the National Fire Standards promulgated by the National Fire Protection Association (NFPA). The inspection reports prepared by these private companies are provided to the County's Fire Marshall. Life Safety Inspectors from the County's Fire Rescue Department, are then responsible, on an annual basis, for ensuring that the required inspections did take place and that identified deficiencies were—or are being—corrected.

The OIG investigation was initiated based on a complaint made by the prior inspection company that alleged they were removed from PortMiami's list of contracted vendors when they would not list PortMiami's fire sprinkler deficiencies separate from the inspection report. Perez requested that the deficiencies be listed on a separate document and not contained in the actual inspection report. In 2011, the prior firm had notated in its inspection reports that there were numerous deficiencies throughout PortMiami's various facilities, including passenger terminals, requiring repair. The OIG investigation revealed that the vast majority of the deficiencies were not repaired during the following year—and some were not fixed until our investigation brought these issues to light.

In 2012, after the incumbent firm would not separately list the deficiencies, Perez made complaints about the firm's performance to his supervisor that resulted in PortMiami changing vendors. PortMiami contracted with a new firm, National Fire Protection, Inc., to perform the annual inspections. Perez requested the new company to exclude identified deficiencies in the inspection report, and instead list them in a separate

document. Perez also assured the inspection firm that PortMiami would repair the various deficiencies before the County's Life Safety Inspectors conducted the 2012 annual inspections. The new firm acquiesced and prepared two separate documents: the annual inspection report and the list of deficiencies.

The repairs were not made. Instead, Perez knowingly furnished the sanitized inspection reports to the County's Life Safety Inspectors. Perez did not provide the separate list of deficiencies and, in fact, expressed to them that there were no deficiencies noted. In 2013, the OIG investigation determined that this arrangement with the fire inspection vendor was again sought, but the firm refused to comply with Perez' request.

An OIG surprise inspection of the fire sprinkler systems in 2014 uncovered numerous deficiencies and red tag violations that had gone unrepaired for longer than the allowable statutory period. This failure to repair the deficiencies exposed the public to potential life safety issues and the County to potential liability. Upon learning of the deficiencies and the OIG's investigation, PortMiami made the necessary repairs to correct the deficiencies and a new fire sprinkler inspection vendor performed the 2014 annual inspections.

The OIG investigation determined that there was no financial foul play in that Perez did not financially gain from his criminal malfeasance. Our investigation uncovered that Perez' motivation may have been nothing more than to sweep problems under the rug to give the appearance that everything was okay. County employees who willfully fail to perform their official duties must be held accountable. When their official duties relate to public safety, those County employees must be held to a higher standard.

Perez has accepted responsibility for his actions and pled guilty to making false official statements. Pursuant to a plea agreement reached, Perez received a withhold of adjudication and was sentenced to probation. As part of his sentence, Perez will pay costs of investigation to the OIG, costs of prosecution to the State Attorney's office, resign from County employment, and perform community service. Attached is a press release from the State Attorney's Office.

The OIG thanks the Miami-Dade Fire Rescue Department, the Miami-Dade Internal Services Department, and PortMiami for their cooperation with this investigation.

Attachment

cc: Juan Kuryla, Director, PortMiami
David Downey, Fire Chief, Miami-Dade Fire Rescue Department (MDFR)
Alan Cominsky, Fire Marshall, MDRF, Fire Prevention Division
Lester Sola, Director, Internal Services Department (ISD)
Miriam Singer, Assistant Director, ISD, Procurement Management Division
Alex Ferro, Chief of Staff, Office of the Mayor
Cathy Jackson, Director, Audit and Management Services Department
Charles Anderson, Commission Auditor



KATHERINE FERNANDEZ RUNDLE

STATE ATTORNEY

**ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY**



FOR IMMEDIATE RELEASE

County Employee Charged for Filing False Fire Sprinkler Reports

(Miami – February 11, 2015) As the Port of Miami’s Facilities Superintendent, 16½ year County employee Angel Perez was an integral part of the overall port maintenance staff. His duties included ensuring that the Port of Miami’s fire sprinkler systems, located in the various Port of Miami buildings, were properly maintained, inspected as required, and repaired as needed. A joint investigation by the Miami-Dade Office of the Inspector General (OIG) and the Miami-Dade State Attorney’s Office (SAO) uncovered a deliberate falsification of inspection reports submitted to Miami-Dade County for 2012. The investigation further uncovered that when the County’s contracted fire sprinkler inspection company refused to provide Perez with “clean” inspection reports for 2012, a new company was hired. While the Port’s perceived compliance with fire safety regulations reflected well on the efforts of Angel Perez, it could have resulted in a dangerous fire safety situation had an emergency arisen. An OIG surprise inspection of the fire sprinkler systems in 2014 uncovered numerous deficiencies and red tag violations which had gone unrepaired for longer than the allowable statutory period. Upon learning of the deficiencies, Port Miami made the necessary repairs correcting the deficiencies and a new fire sprinkler inspection vendor performed the 2014 annual inspections.

“By filing a false report, Mr. Perez lied to both of his employers, Miami-Dade County and the taxpayers of this community, and potentially put lives at risk,” commented Miami-Dade State Attorney Katherine Fernandez Rundle. “Fortunately, no emergencies arose and this investigation led to all deficiencies being uncovered and corrected.

“Employees who fail to perform their official duties and endanger others will be thoroughly investigated by the OIG,” stated Inspector General Mary T. Cagle.

Angel Perez surrendered in open court this morning, pleading guilty to 1 count of False Official Statements, a 2nd degree misdemeanor. He received a withhold of adjudication and 6 months probation. In addition, he will resign his county job effective immediately, reimburse the Miami-Dade Office of Inspector General its investigative costs of \$5,000.00, reimburse the Miami Dade State Attorney’s Office for the cost of prosecution of \$500.00 and perform 20 hours of Community Service. Upon completion of all these special conditions he may apply for early termination of probation.

FOR FURTHER
INFORMATION CONTACT:

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