



Internal Control Case# PA180001C

Classification: Conflict of Interest/Falsifying Official Records

Complaint Summary: Reporter states that a Building Inspector is passing inspections for a friend's pool contracting business immediately after the permits had already been failed by other building inspectors. The reporter spoke about specific permits in which the Building Inspector reportedly interceded. Reporter states he has developed a complete list of many pool construction projects in which this activity occurred. Reporter states the pool contractor has performed an extensive pool renovation project including pool and deck refinishing at the building inspectors home and it his belief that the work was performed free of charge. Reporter states that this work was performed without permits.

Investigation

During the course of the investigation relating to Billy Wood from Public Works a witness stated that he had information related to a specific building inspector. The witness stated that Charlie Mini the Chief Building Inspector is providing special consideration to a specific contractor, Hernan from Crystal Clear Pools who he is friends with. The witness states that the Chief Building Inspector is passing pool inspections for the contractor that had been previously failed by other inspectors even though no corrective changes had been made to project. The witness stated that the contractor had in fact refurbished the Chief Building Inspector's personal pool last year for free and without permits. He elaborated that the contractor had refinished the pool deck and pool. The witness states that he has personal knowledge of this activity because his own pool that was built by Hernan of Crystal Clear Pools and had failed the initial Pool Final inspection because the contractor had installed too small a pump. The witness states a day or so after the first building inspector failed the pool the Chief Building Inspector came back and passed the pool even though no changes had been made to the pool pump. The witness went on to state that the contractor's own personal pool had recently failed the final inspection because the pool was built within 7.5 feet of the neighboring property. The witness states that no changes have been made to the pool. The pool deck is still right where it has always been. The witness states that the Pool Final inspection was failed twice back to back by other inspectors and a third inspection was canceled by the contractor so that the Chief Building Inspector would be the one

that did the Final Pool Inspection. The witness states that the contractor needed the pool to pass the final inspection because he was trying to sell the house so he had the Chief Building Inspector pass the Pool Final. The witness heard that the contractor sold the house recently. The Witness went on to state that he actually has a list of permits that were obtained by Crystal Clear Pools that failed the Final Inspection during the initial inspection but then were passed by the Chief Building Inspector immediately afterwards.

A state certified pool contractor was present at the office to complain about Hernan of Crystal Clear Pools. The contractor showed invoices for work he had performed for Crystal Clear Pools for which he had not been paid. The bills totaled approximately \$37,000. The Contractor explained that he did excavation as well as steel work for the company. The Contractor states that the owner of Crystal Clear has a "Goombah" in the building department that passes inspections for him. The contractor states that Hernan has told him that he is the building inspector's child's godfather and has also done work for him at his home in the past. The Contractor states that he has firsthand knowledge of the inspection issues. The Contractor states he has on occasion taken pictures with his cell phone of Steel that he has placed in the pool. He has then sent those pictures to Hernan the contractor who then sent them to the building inspector who then passed the steel inspection so they could proceed the next day with the gunite.

3 Uniontin Court – Permit# 20180800008- Steel and Ground Inspection

Based upon information provided by the subcontractor that a steel inspection was performed solely based upon pictures taken by him. A CD Plus query was performed for 3 Uniontin Court (permit # 20180800008). The query shows that a steel and ground inspection was requested by the contractor on Monday 7/23/2018 and was performed by the Chief Building Inspector on the same day. A GPS query of vehicle 1736 which is operated by the Chief Building Inspector shows that it was not in the area of 3 Uniontin Court on Monday 7/23/2018 or Friday 7/20/2018. An additional query was performed using a Landmark report which revealed that no city vehicles were in the area of this address on those dates. Unfortunately the GPS system the city utilizes only allows queries up to 90 days in the past so only one location of the five provided by the contractor could be tracked.

During the interview of the Chief Building Inspector, he admitted to not visiting this location on the day of the inspection. He admits to doing this inspection via picture texted to him by contractor. He qualifies this by saying he would only do a picture inspection if he had already physically been at the job site. CD Plus reveals that the Chief Building Inspector was not at the job site previously for inspections as he claimed. The inspection he entered on 7/23/2018 was in fact the first inspection for this construction project.

██████████ - Pool Final Inspection

A check of the CD Plus- Contractor Certificate for Crystal Clear Pool Cleaning reveals that the contractor lives at ██████████ Palm Coast and there was in fact a recent Pool Permit # ██████████ that had been inspected and Finaled by the Chief Building Inspector. The CD Plus record shows that the Chief Building Inspector Finaled the pool on 7/27/2018.

Check of GPS for the Chief Building Inspector's vehicle 1736 for the date of the final inspection (7/27/2018) as well as the week before shows that the vehicle was not present at ██████████. An

additional Landmark by Landmark query was performed that showed that the only city vehicle in the area on 7/27/2018 was Bryan Shelley in vehicle# 1903 that passed the location at 10:00am

A check of CD Plus inspection records reveals that the Pool final at [REDACTED] had originally been failed by Lee Miller on 7/23/2018 as well as by Mike Williams on 7/25/2018. Lee Miller was scheduled to re-inspect the Pool on 7/26/2018 but the inspection was cancelled by the contractor. The Pool is shown as receiving the final inspection from the Chief Building Inspector the very next day on 7/27/2018.

A check of CD plus inspection data including the tables reveals that the Chief Building Inspector changed the assigned building inspector on the permit Final inspection for [REDACTED] from Lee Miller to himself on 7/26/2018 at 0925. I spoke with the Building Official regarding this issue. The Building Official felt a possible explanation for this may be that Lee Miller was not conducting inspections in that area that day. CD Plus Building Department records contradict that assumption and shows that Lee Miller was in fact conducting inspections in the area of [REDACTED] on 7/27/2018.

While investigating this segment of the allegation an unusual occurrence was observed within CD Plus permitting. A zoning hold had been placed on this permit on 4/16/2018 by the zoning supervisor that should have held up any further inspections. Somehow the zoning hold was over ridden and allowed the Final Inspections to go through. The Building official states he was advised by Barbie Bemby the Permitting Supervisor that the segment of CD Plus that would normally not allow this inspection to go through was turned off. He believes that this possibly happened during a recent CD Plus upgrade of the online permitting system

I interviewed the Zoning Supervisor who had placed the hold on the permit at [REDACTED] Lane. The Supervisor explained that according to a survey that had been submitted for the permit the pool encroached within 7.5 feet of the neighboring property. The Supervisor added that it is unusual for a project to be finalized when there are still zoning holds on the permit. The Supervisor provided a copy of the most current final survey. The Final survey doesn't appear to make sense. The Final survey appears to show that the deck had been completely removed on the side which had been previously shown to encroach on the adjoining property. The effect makes the pool survey appear as if the pool ends abruptly without any pool deck at all. Basically it appears that the previously encroaching pool deck has been erased on the newest survey. I asked the Supervisor to obtain the original survey that was submitted that lead to the zoning hold so that I could compare them. The Supervisor reports that she attempted to obtain the original permit submission from 2017 with the original survey but she was unable to locate the survey that the hold was based upon as it appears to be missing from the permit wall. Extensive measures were taken to obtain the missing survey without success. It appears that it was not scanned into onbase when it was submitted.

During his interview the Chief Building Inspector admits not being present at the location the day he entered the Pool Final inspection into CD Plus. He states that all the contractor had to do was cut the pool deck back. He states that he had seen the Final Survey and had already been at the location for a previous inspection and claims to have seen the deck had been cut back at that time. CD Plus reveals that the Chief Building Inspector was previously at the location on 10/16/2016 for an Electric and Alarm inspection (permit# [REDACTED]). There were no inspections recorded on the 2017 permit for the pool ([REDACTED]) and the Chief Building Inspector has never inspected [REDACTED] prior to 7/27/2018 on the 2018 permit.

10/24/2018 I Spoke with Building Official who advises he had a conversation with the Chief Building Inspector after his suspension. The Chief Building Inspector advised the Building Official that he was at the location previously possibly with Mark Gibson and saw that the pool deck had been moved back.

10/25/2018 Interviewed Building Inspector Mark Gibson along with Debbie Streichsbier. Mark Gibson recalls he was at the location with the Chief Building Inspector and other inspectors to take a look at a fence that was encroaching on a neighboring property. Mark Gibson recalls that they went out there to inspect the fence. Mark States that they were not at the location for the pool deck but were there for a fence issue.

33 Blare Drive- Permit# 2016111013- Electric Alarm Inspection

A further query of CD plus revealed another permit that met the fact pattern alleged by the witnesses. This was an Electric Alarm inspection at 33 Blare Drive (Permit# 2016111013) that was requested on 9/24/2018. The Chief Building Inspector entered into CD plus that the Inspection was Conducted on 9/24/2018 and passed. This permit was previously failed by Robert Martin on 9/21/2018. A GPS query reveals that the Chief Building Inspector's vehicle was not present on Blare Drive on Monday 9/24/2018 or the previous Friday 9/21/2018. The closest that the Chief Building Inspector's vehicle came on 9/24/2018 was an inspection at 650 Colbert Lane –Permit 2016111013. A Landmark by landmark report was then queried for all stops, idles and drive -by's at that location for all city vehicle's. The Query revealed Vehicle 1743- Dave Williams, 1969- Don Schragger and 1861- Dennis Ramos are the only vehicles that were in the area of 33 Blare Drive on 9/24/2018.

During the Chief Building Inspector's interview he stated that he does not recall this inspection but states he is sure he was there at some point. CD Plus reveal that Charlie was at this location on 6/4/2018 for a Steel and Ground inspection and on 8/8/2018 on a Pool Deck Inspection.

After conferring with the Building Official to identify exactly what a Steel and ground inspection as well as a pool deck inspection would entail it appears that the items that would be required to be inspected for the electric & alarm would not be in place during his previous two inspections.

21 Wellshire Lane- Permit # 2017051101- Pool Final Inspection

This was a Pool Final Inspection that was requested on 8/2/2018. The Chief Building Inspector entered the inspection results into CD Plus on 8/3/2018. The inspection results show that he had inspected and passed the pool final. The Final had previously been disapproved by another inspector three days prior on 7/31/20. A GPS query was performed of the Chief Building Inspector's vehicle # 1736 for 8/2/18 and 8/3/2018 the day of the inspection. The query revealed that vehicle 1736 passed through the street on 8/2/2018 at 11:12:34 (Trip# 15 Position 68) but did not stop.

On 10/19/2018 I visited the location and took photographs from the street. The photographs show that the pool is completely surrounded by a wall and is not visible from any angle.

The Chief Building Inspector stated during his interview that he does not remember this one but stated that if he did, he was likely there at one time or another. CD Plus reveals Charlie was last at this address on 12/19/2017 for a Pool Deck Inspection. A pool deck inspection performed 8 months earlier would not suffice for a Pool Final inspection.

During the interview of the Chief Building Inspector he was asked a series of questions regarding building inspections. He was asked if building inspections are done in person. His response was that there are no circumstances in which we wouldn't inspect in person. He was then asked if there are any circumstances under which inspections are not carried out in person. He responded "none". He was then asked if there were any circumstances in which an inspection could be carried out by photograph. He responded "Only when we have already been there so we could recognize the job. It's very rare". He was then asked what documentation would be needed to carry out an inspection via photograph. He responded "We would need a lot of pictures showing all parts of the inspection. He was then asked if the address would have to be identifiable in the photographs he states "yes".

Facts

The initial information provided by the witness's involved allegations of special consideration being provided to Hernan Longo of Crystal Clear Pool Cleaning by the Chief Building Inspector. The specific allegations was that the Chief Building Inspector had received pool refinishing and pool deck rehabilitation work on his personal pool from the contractor without paying for the work or obtaining building permits. In return for these items the Chief Building Inspector would pass inspections for Crystal Clear Pool Cleaning that had previously been failed by other inspectors without any changes being made to address the inspection failures. The witness also claimed that the Chief Building Inspector along with the contractor manipulated the Pool Final Inspection for the contractors own pool at [REDACTED]. The witness stated that this pool was passed even though the issue of the pool deck encroaching on the neighboring property was never resolved.

A second witness alleged that the Chief Building Inspector would pass Pool Steel & Ground Inspections without physically seeing the pools. The witness states that inspections results were based solely upon pictures that he himself took and forwarded to the contractor. .

The Chief Building Inspector states he is friends with Hernan Longo on Facebook but does not socialize with him. The Chief Building Inspector admits that he did have pool and pool deck resurfacing work performed by Crystal clear Pool Cleaning but states that he paid for the work in full and that the scope of the work performed did not require a building permit.

There are four permits for Crystal Clear Pool Cleaning that were passed without an onsite physical inspections on the day that the Chief Building Inspector entered the results into the CD Plus Inspection record. Of the four inspections, three were re-inspects that the Chief Building Inspector passed after the inspections had been previously failed by another inspector.

An audit of the Chief Building Inspector's building inspection record coupled with his vehicles GPS records was conducted. The investigators were unable to identify any other contractors for whom the Chief Building Inspector entered inspections results for permit locations he had not actually visited

CD Plus Inspection Tables reveal that the Final Inspection for [REDACTED] which is the contractors own pool, was reassigned by the Chief Building Inspector to himself from another building Inspector on

7/26/2018. This inspection had been recently failed by two other inspectors. GPS records as well as the Chief Building Inspectors own admissions confirm that he did not visit [REDACTED] on the day that he had entered the Final Inspection results (7/27/2018). The Chief Inspector justifies this inspection by stating that he had seen the work on a previous occasion. This statement does not appear to be accurate based upon the official records and interviews with other witnesses.

GPS records reveal that the Chief Building Inspector was not present at **3 Uniontin Court** on 7/23/2018 the day that he entered Steel & Ground Inspection results. The Chief Building Inspector admits to not being at the location the day he entered the inspection results and acknowledges that this inspection result was entered based upon photographs. He qualifies this by stating he would not have done this if he had not already seen the work. This was the first inspection requested for this project. The Chief Building Inspector cannot provide the pictures he used to pass the pool inspection because he no longer has possession of them and they were never entered into the record. The team attempted to obtain the picture submitted for the inspection from the subcontractor without success.

CD Plus Permitting records reflect an Electric & Alarm inspection that was performed and passed by the Chief Building Inspector at **33 Blare Drive** on 9/24/2018. This inspection had previously been failed by another building inspector just a few days prior. GPS records reveal that the Chief Building Inspector was not present at this location on the day he entered the inspection results into CD Plus permitting record. The Chief Building Inspector states that he does not recall this inspection but is sure he was he was at that location at some point. Records do exist that indicate that show that the Chief Building Inspector was present at this location for Steel & Ground and Pool Deck inspections almost three and four months prior. Based upon conferral with the Chief Building Official it would appear that the items that would be subject of an Electric & Alarm inspection would not be present in their entirety during the previous two inspections.

CD Plus permitting records reflect a Pool Final inspection that was performed and passed by the Chief Building Inspector at 21 Wellshire Lane on 8/3/2018. This inspection had previously been failed by another inspector on 7/31/2018. GPS records reveal that the Chief Building Inspector did drive through the street the day before the inspection was recorded but did not stop. A site survey was conducted by the investigative team which revealed that the pool is actually surrounded by wall so that the pool cannot be seen from the street. The Chief Building Inspector states that he did not remember this inspection but if he did enter it he is sure he was there at one time or another. CD plus records reveal that the Chief Building inspector was at this location 8 months earlier for a pool deck inspection.

Conclusion

Based upon the foregoing information it appears that the basic elements of the complaint that was made are accurate. The investigation reveals that Chief Building Inspector did extend special treatment to Hernan of Crystal Clear Pool Cleaning. The Chief Building Inspector states that he and Hernan are friends on Facebook but do not socialize. The Chief Building Inspector admits to having work performed at his home by the contractor but states that he paid for the work and can provide proof of this.

An audit of the Chief Building Inspector's building inspection record coupled with his vehicles GPS records was conducted. The investigators were unable to identify any other contractors for whom the Chief Building Inspector entered inspections results for permit locations he had not actually visited.

The Chief Building Inspector did make changes to the inspection schedule for [REDACTED] so that he would be assigned the inspection. [REDACTED] was the home of Hernan the owner of Crystal Clear Pool Cleaning. This permit had recently been failed by other building inspectors. The reassignment of this inspection does not appear to be due to operational requirements as the inspector originally assigned did have other inspections in that area that day.

On three occasions the Chief Building inspector entered re-inspections results in to the official building permitting record for inspections he was not present for and had not performed. All three of these permit inspections had previously been failed by other inspectors

On one other occasion the Chief Building Inspector entered into the official record an inspection he had not performed in person. The investigation revealed that the inspection was performed based upon a picture that was taken by a third party and was then forwarded to the contractor.

A query was performed of CD Plus and GPS for other inspections performed by the Chief Building Inspector for permits issued to Crystal Clear Pool Cleaning. The GPS query is limited to 90 days. There were nine other permit inspections performed by the Chief Building inspector for permits belonging to Crystal Clear Pool Cleaning. None of the nine permits were re-inspections. GPS shows that the Chief Building Inspectors vehicle was present at each location on the day of the inspection. One of the nine inspections reflected a failed inspection.

As to the allegation of having a **Conflict of Interest**, we believe the investigation shows that the Chief Building Inspector, based upon his friendship with Hernan Longo of Crystal Clear Pool Cleaning did provide him with special considerations. Considerations that do not appear to have been afforded to other contractors. We believe the allegation of Conflict of Interest to be true.

As to the allegations of **Falsifying Official Records**, we believe based upon the investigation that the Chief Building Inspector did enter false inspection findings into the official permitting records of four Palm Coast building permits.


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