

City of North Miami Beach
POLICE DEPARTMENT

MEMORANDUM

MEMO # _____

TO: INTERIM CHIEF LARRY GOMER
VIA: DIRECT
FROM: SGT. RICHARD SILBERMAN
DATE: APRIL 13, 2012
RE: SUSPICIOUS INCIDENT ON 3/28/12

On Wednesday, March 28th, 2012 I received a call from Interim Chief Gomer alerting me to a suspicious incident, which was reported by the City's Customer Service Department, regarding a reversed water meter at the residence of Mr. Antonio Ortega. It was explained to me at that time that the anomaly was discovered by another water meter reader, who was dispatched to the area to turn water service back on at a residence next door to Ortega's. I was instructed to investigate the matter for reasons described below.

On Thursday, March 29th, 2012, I met with Mr. Ben Supraski, Asst. Director/Customer Svc. Mgr, to get an understanding of the incident and what transpired. Mr. Supraski informed me that there was a work order to have water service restored at 1748 NE 176 St (residence owner Fabiola Bhatti). The water at this residence had been turned off earlier the same day due to delinquency on the account. Once the account owner made payment, water service was requested to be restored. When employee Lucio Gutierrez responded to turn the water on, he apparently miscounted the number of houses in the alleyway and subsequently went to the wrong water meter box which was located behind 1758 NE 176 St. (Ortega's residence). When Gutierrez opened the concrete box to access the meter, he noticed that the meter was in the reverse position. Supraski advised that if a meter is "reversed", any water flow would cause the meter to reverse the odometer count, which could in effect reduce the amount of water consumption a customer may be billed for.

Supraski advised that Gutierrez notified his supervisor, Mr. Patrick Kennedy, who responded to the scene and confirmed that the meter was in fact installed in a "reverse" manner. A records check of the address showed that the residence in question belonged to Mr. Antonio Ortega and his spouse Ruth Vela, both of whom are employees in the City's Customer Service Department. Mr. Ortega is a water meter reader for the Customer Service department and has been so employed for about a year and a half. Supraski informed me that Ortega is a "model" employee and his work performance has set the bar for others to follow. Ortega, who is a part-time employee, was scheduled to receive a pay raise, even though pay raises have been frozen.

The revelation of the "reversed" water meter attached to the waterline servicing Mr. Ortega's residence raises several flags. On the surface, such an installation is illegal, and would be an intentional act designed to reduce water consumption, for a reduced water bill. A review of Mr. Ortega's water billing for the last 4 years shows an average consumption of 13 thousand

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gallons of water usage per quarter. According to Mr. Supraski, the average quarterly cost of water for this particular bill would be approximately 40-45 dollars per quarter.

Shortly after speaking with Mr. Supraski, I asked him to accompany me to 1748 NE 176th St. to personally inspect the water meter in question. Upon arrival at the rear of Mr. Ortega's residence, I observed that the property line is separated from the alleyway by a tall wooden plank fence, with no visibility to the residence. The water meter was located south of the fence line in the alley, and on grass swale area adjacent to the paved alleyway. I observed the swale area to be covered in heavy grass/weed covering, though cut relatively low. I opened the concrete meter box and observed the water meter within. I immediately noticed that the meter was easily accessible and the box interior was clean of the usual debris normally found in the meter housings. The area appeared to be recently disturbed and the sand around the meter showed fresh moisture as compared to surrounding sand within the housing.

The meter directional indicator for the flow line showed it was pointing away from the residence, which is not the proper configuration or direction it is supposed to be in. In other words, the meter was in a "reverse" position. I observed the meter running backwards at this time, indicating that there was water flowing into the house, but turning the odometer backwards instead of forwards. Mr. Supraski confirmed that the meter was improperly installed and in "reverse" order.

I responded to 1758 NE 176th St and spoke to the resident, Mrs. Sara Bustamante who lives with her husband and 3 small children. Mrs. Bustamante advised that she rents the house from Ms. Fabiola Bhatti (owner). Bustamante stated that the City had shut the water service off earlier on the 28th and she then called the landlord (Bhatti). Bhatti responded to City of NMB Customer Service Department the same morning and paid the delinquent fee which caused the water to be shut off, and requested service to be restored (see Service Work Order #180161), which was completed at approximately 2:30pm on 3/28).

In and of itself, in a scenario like this, the most obvious assumption would be that the homeowner has tampered with the meter in order to save money on their water bill. A review of the Ortega's water consumption revealed the average water usage is minimal and a small portion of their overall quarterly City utility bill. Both Mr. & Mrs. Ortega are described as exemplary and hard working employees, who have resided at the same residence for several years.

A major issue with this incident comes to the forefront. On March 14th, 2012 Mr. Ortega was subjected to improper conduct directed at him by Councilman Frantz Pierre in the presence of the City Manager, Mr. Lyndon Bonner, and Ortega's supervisor, Robert Barrabeitg. This incident in the City Manager's office, caused Mr. Ortega concern to the point that he reported the matter to the Police Department for documentation purposes, as he feared for his job with the City. This incident, coincidentally, revolved around a Code Enforcement requested work order for a meter read at 2120 NE 171 St. on 3/14/2012. This address, belongs to Councilman Frantz Pierre. Ortega was unaware of this being the residence of Councilman Pierre, because the listed billing owner on the work order showed the name of "Joseph Angie."

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A female resident came out and handed her phone to Ortega, who subsequently spoke with the person at the other end who questioned Ortega as to his being at the premises. Ortega stated that the person at the other end of the telephone did not identify himself as Councilman Pierre, was rude and instructed him to respond to the City Manager's office, as that is where he was. Ortega returned to the Customer Service office at City Hall, spoke with his supervisor, Barrabeitg and both responded to the City Manager's office, where he met with Councilman Pierre and Mr. Bonner.

In Ortega's police report #2012-0314-12 it was alleged that Pierre used profanity and slammed a clipboard down and threw a chair around. The matter was later calmed down and Mr. Bonner expressed his apologies to Ortega and Barrabeitg for what had transpired on both his and Councilman Pierre's behalf.

The timing and coincidence of the events indicated above give rise to much concern. Key individuals were interviewed regarding this matter, and there is no evidence that Ortega tampered with the meter, nor is there any direct evidence of whom else may have done so. Given the circumstances, and the evidence that the meter was reversed in the preceding day or two, there is no direct lead to follow at this time. During Ortega's interview on his original complaint against Pierre, Ortega stressed his concern for retaliation and loss of his job over filing a complaint over the incident involving Councilman Pierre.

It should be noted that both Mr. & Mrs. Ortega were fully cooperative with this investigation and forthright in their statements.

This matter is deemed inconclusive at this time. If further information develops, it will be revisited.