

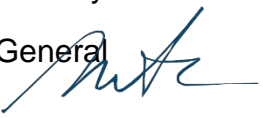


# Memorandum



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To: Honorable Carlos A. Gimenez, Mayor, Miami-Dade County  
Honorable Esteban L. Bovo, Jr., Chairman  
and Members, Board of County Commissioners, Miami-Dade County

From: Mary T. Cagle, Inspector General 

Date: December 5, 2018

Subject: Children's Courthouse Subcontractor Charged and Sentenced for Failure to Pay Responsible Wages, Ref. IG15-43

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ATCI Communications, Inc. (hereinafter ATCI) is a Florida corporation, which provides custom global communication and technology services. It was hired as a subcontractor to lay low-voltage wiring at the Children's Courthouse. ATCI was owned by a Florida Trust<sup>1</sup> that was created pursuant to Florida Statute. The Trustee of the Trust, Vincent Vento, is the former President of ATCI. While under the direction and leadership of Mr. Vento, ATCI provided fraudulent certified payroll documents to the County to appear as if it was complying with the County's Responsible Wages and Benefits Ordinance (Responsible Wages Ordinance). On today's date, Trustee Vento appeared on behalf of the Trust in criminal Court to answer to crimes filed against it, based upon a joint OIG and State Attorney's Office (SAO) investigation. The defendant, the Trust, was charged with Organized Scheme to Defraud over \$50,000, a felony of the first degree.

This joint investigation stemmed from a referral from the Miami-Dade County Internal Services Department, Small Business Development Division (SBD), which is responsible for overseeing and enforcing the County's Responsible Wages Ordinance. In 2013, an ATCI employee alleged that the company was underpaying its employees in violation of the Responsible Wages Ordinance. SBD found that eight employees were underpaid. The total amount of underpayment was \$64,697. In response to an SBD demand, ATCI provided SBD with proof that it had supposedly repaid its workers the amounts they had been shorted. Upon SBD suspecting that some of the repayment documents were forged or fraudulent, the case was referred to the OIG for investigation.

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<sup>1</sup> The defendant's full, legal name is "The Alberta I. Vento 2010 Revocable Trust," pursuant to the Trust Agreement dated 6/17/2010. It is assigned EIN number 82-6769865. A Florida Trust is a fiduciary arrangement, which is created pursuant to a trust agreement in accord with Florida Law. Assets are transferred into the name of the trust, as owner, to be cared for and managed on behalf of others, i.e. the trust beneficiaries. A trust can own property, can sue, can be sued, and pays taxes. It can also be charged with a crime and be sentenced. In the case herein, in addition to Trustee Vento, the Trust beneficiaries consented to the criminal court plea by written affidavit.

The OIG investigation corroborated the findings of SBD. A review of all the ATCI certified payrolls submitted to the County between April 2013 through December 2014 revealed that they were all false. The criminal investigation proved that ATCI falsely certified that eight workers were paid in accordance with the Responsible Wages schedule, when in fact the workers received a much lower rate of pay. Further, ATCI falsely inflated the number of hours that another employee worked on the Children's Courthouse project when in fact, he was working on other ATCI projects. ATCI, under control of former-President Vincent Vento, eventually repaid its employees their correct wages and paid additional penalties of \$6,469.70 imposed by the County.

As the criminal investigation was nearing an end, it was learned that the Trust sold ATCI to an unrelated third-party, which had no prior knowledge of the fraud or the existence of the pending criminal investigation. Upon learning of the investigation, the new ATCI owner immediately locked employees suspected of involvement with the fraud out of the ATCI computer system, fired those employees, and cooperated fully with the investigation and prosecution. Further, the new owner voluntarily instituted new internal controls to guard against this happening in the future. Based upon the new owner instituting these measures, the SAO elected not to charge ATCI. (The ramifications of charging ATCI with criminal conduct included a potential shutdown of the company—rendering all of its employees, many of whom were victims of the fraud, jobless.) Instead, the SAO elected to charge the former owner of ATCI—the Trust.

On today's date, the Trust, as represented by Trustee Vincent Vento, pled guilty to Organized Fraud and was sentenced to two years of administrative probation. The Trust must pay costs of investigation and stipulated that the Trust is barred from owning any business wherein compliance with the Responsible Wages Ordinance is required. Further, in lieu of a fine, the Trust agreed to pay a \$20,000 donation to a charity that has a primary purpose of benefitting victims of crime in Miami-Dade County. In exchange for not criminally charging former ATCI President Vincent Vento, who is over 72 years of age, Mr. Vento signed an agreement wherein he is personally debarred from contracting with Miami-Dade County for a period of 5 years, pursuant to Section 10-38 of the Code of Miami-Dade County.

The OIG appreciates the Internal Services Department, Small Business Development Division for its assistance during this investigation.

cc: Alex Ferro, Chief of Staff, Office of the Mayor  
Tara C. Smith, Director, Internal Services Department  
Gary Hartfield, Division Director, Small Business Development  
Cathy Jackson, Director, Audit and Management Services Department and Interim  
Commission Auditor