



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: November 1, 2016

Subject: Prosecution & Sentence of Electrical Contractor for Falsifying Compliance
with the County's Responsible Wages and Benefits Ordinance; Ref. IG14-28

Greenlight Electric Systems, Inc. (GLE), a Florida corporation; Abel Demien, GLE's owner/operator; and GLE office employee Leysis Forte submitted to the Court's jurisdiction this morning to answer to criminal charges filed in connection with their contract at Miami International Airport (MIA). The charges included Organized Scheme to Defraud, Forgery, Uttering Forged Instruments, and Notary Fraud—all felonies—and all three defendants accepted plea agreements today to resolve their cases.

This joint investigation of the Office of the Inspector General and the State Attorney's Office began with a referral from the Miami-Dade Aviation Department's (MDAD) Minority Affairs Division (Minority Affairs) suspecting that forged documentation had been received. Minority Affairs, which is responsible for overseeing and enforcing the County's Responsible Wages and Benefits Ordinance, had received an allegation that GLE was underpaying its workers on jobs at MIA. GLE is an electrical contractor providing services under MDAD's Miscellaneous Construction Contract—the MCC-08 contract.

Following up on the allegation received, Minority Affairs required GLE to supply proof that it had paid its workers the correct wages. GLE submitted documentation in the form of what appeared to be twelve cancelled checks, each bearing the employee's endorsement. Upon Minority Affairs suspecting that the checks were forged, the case was referred to the OIG for investigation.

The investigation revealed that all twelve checks were drawn on a SunTrust bank account that had been closed for years. The employee endorsements on the backs of the checks were forged. Further, the cancellation endorsement markings, also on the backs of the checks, were forged. Moreover, all the certified payrolls submitted by GLE were also false. Minority Affairs calculated that GLE underpaid its employees approximately \$149,000 on this MDAD contract. On average, the GLE workers were only paid approximately fifty percent of what they were owed. Since this investigation began, GLE has repaid its workers the correct wages for their work under the MDAD MCC-08 contract;

however, the acts of supplying the falsified documentation in order to demonstrate compliance with the County law is the basis of the criminal charges.

During the course of the investigation, the OIG also worked with the Internal Services Department's (ISD) Small Business Development Division (SBD) to ascertain that GLE has been a subcontractor on ten other County projects since approximately 2011, not counting the aforementioned MCC-08 contract. These other projects included the Arcola Lakes Park Senior Center, upgrades to PortMiami's Cruise Terminal J, the restoration of the Historic Hampton House, utilities replacement at Pelican Harbor Marina, and renovation and expansion work at the Pre-Trial Detention Center. During a sworn statement taken by the prosecutors, Mr. Demien confessed to never having paid the responsible wage on any County contract until after this criminal investigation commenced. While most of the back wages related to these additional County contracts have now been repaid, SBD has calculated that there is a current outstanding balance of \$153,000. Although not part of today's criminal charges, repayment of these amounts is included in the plea agreement reached.

GLE and Abel Demien pled guilty to Organized Fraud, Forgery, Uttering Forged Instruments and Notary Fraud. The two defendants were sentenced to five years of probation. They must repay the aforementioned \$153,000 in back wages to their workers, pay costs of investigation, self-report to their licensing agency the terms of the plea, and provide proof that all of its office/administrative employees have completed an ethics course. Further, GLE and Abel Demien are debarred from contracting with the County for five years, the maximum time allowed. GLE employee Leysis Forte entered a pretrial intervention program and agreed to surrender her notary commission for life.

The OIG appreciates MDAD's Minority Affairs Division and ISD's Small Business Development Division for their assistance during this investigation.

Attached is the press release from the State Attorney's Office with additional information about today's surrender and plea to the criminal charges.

cc: Alex Ferro, Chief of Staff, Office of the Mayor
Emilio T. Gonzalez, Director, Miami-Dade Aviation Department (MDAD)
Milton Collins, Associate Director, MDAD Minority Affairs Division
Tara C. Smith, Director, Internal Services Department (ISD)
Gary Hartfield, Division Director, ISD Small Business Development
Cathy Jackson, Director, Audit and Management Services Department
Neil R. Singh, Interim Commission Auditor



KATHERINE FERNANDEZ RUNDLE

STATE ATTORNEY



ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY

FOR IMMEDIATE RELEASE

WAGE THEFT PROSECUTION RESULTS IN REIMBURSEMENTS FOR WORKER VICTIMS

Miami – November 1, 2016

Pursuant to a joint criminal investigation with the Miami-Dade County Office of the Inspector General (OIG), Green Light Electric Systems, Inc. (GLE), a Florida corporation and former subcontractor on a Miami-Dade Aviation Department (MDAD) construction project, Abel Demien, the President, Director and Treasurer of GLE, and Leysis Forte, a GLE office employee, have all been charged with a variety of criminal offenses derived from complaints alleging that GLE was underpaying its employees in violation of the County's Responsible Wages and Benefits Ordinance (Wage Ordinance).

GLE, Demien, and Forte surrendered to the court today and their cases were closed. Pursuant to a plea agreement, GLE and Demien will be reimbursing those individuals who are missing wages over \$153,842.97. This amount represents back wages owed for the time period of July 2011 through November 18, 2014. In addition, Demien and GLE will pay approximately \$22,000 to the Miami-Dade Aviation Department for the costs of the investigation. The International Brotherhood of Electrical Workers Local 349 provided assistance in this matter that helped bring this fraudulent violation of the Miami-Dade County ordinance into the light of day.

Miami-Dade Aviation Department's Minority Affairs Section monitors contractors and subcontractors at the Miami International Airport (MIA) to ensure that minority goals are being met and contractors are in compliance with the County's Wage Ordinance. Through the use of duplicate records and false paychecks, Green Light Electric President Abel Demien deliberately underpaid his electrical workers on a variety of County contracts. With the assistance of GLE office employee Leysis Forte, false paychecks were created and supplied to County Monitors as evidence that all County wage requirements were met. SAO and OIG investigators proved the documents false in the course of the criminal investigation.

FOR FURTHER
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As part of the plea agreement and in addition to reimbursing its employees for back wages, Green Light Electric and Abel Demien will be debarred from participating in any County construction contracts for 5 years. Additionally, Leysis Forte will self-report to the Notary Commission that she has committed notary fraud, surrender her notary commission, and stipulate that she is disqualified from holding the office of Notary Public in the future.

Any employee who is working on construction contracts subject to Miami-Dade County's Responsible Wage Act and feel they have been cheated out of their proper compensation, should contact the Miami-Dade County Internal Services Department's Small Business Division Contract Monitoring & Compliance Section for assistance.

“Miami-Dade County has made it a priority to establish wage and minority hiring guidelines in all of its construction contracts,” noted State Attorney Katherine Fernandez Rundle. “Abel Demien and Green Light Electric Systems agreed to these wage guidelines, then worked deliberately to undercut them and later attempted to cover up their actions. Individual complaints aided by the activities of the International Brotherhood of Electrical Workers led to the uncovering of these actions and a court-supervised return of these wages to the workers who actually earned them. Citizen assistance, always something sought by law enforcement, helped bring the crimes into the open.”

“Cheating your workers of their rightful pay will result in prosecution and debarment if you contract with the County. We have zero tolerance for the victimization of our workers; that is why the Board of County Commissioners enacted this ordinance,” stated Miami-Dade County Inspector General Mary Cagle.

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