



# Memorandum

19 West Flagler Street ♦ Suite 220 ♦ Miami, Florida 33130

Phone: (305) 375-1946 ♦ Fax: (305) 579-2656

visit our website at [www.miamidadeig.org](http://www.miamidadeig.org)

To: George Burgess, County Manager

cc: See Distribution List

From: Christopher Mazzella, Inspector General

Date: February 6, 2007

Re: Sculpture Titled *Paciencia* by Artist John Henry, Formerly Located at the South Miami Metrorail Station; Ref. IG07-07

---

By way of this memorandum, the Office of the Inspector General (OIG) seeks to advise you of our concerns about a series of events related to the dismantling of the above-captioned artwork from its South Miami Metrorail Station installation. The artwork's current condition exists as a rusted pile of parts being stored outdoors at a privately-owned, non-county contracted facility. In other words, it has not been in our possession, and has not been for over two years. In good shape, the artwork is estimated, based on comparable pieces by the artist, to be valued at between \$400,000 to \$600,000. More troubling is that had it not been for the OIG's investigative activities related to the Miami-Dade Housing Agency, *Paciencia's* whereabouts would have remained all but forgotten. This memorandum also requests a response to follow-up on the matters reported herein.

To begin, the OIG's connection with this inquiry into the *Paciencia* sculpture arises from our current investigation(s) of certain Miami-Dade Housing Agency (MDHA) matters. As it has been widely reported, part of the County's \$5 million equity contribution of Documentary Stamp Surtax funds to the developer, Hometown Station Ltd., was used to purchase a sculpture of stacked teacups, titled *Space Station*, from artist Julio Larraz. Use of over \$300,000 towards the purchase of the teacups sculpture was discussed in the recent Audit and Management Services Department (AMS) audit and was deemed a "disallowed" use of the County's funds. And, while several matters related to the conveyance/distribution of Documentary Stamp Surtax funds are currently under investigation by the OIG, this memorandum relates solely to the directives to replace the John Henry *Paciencia* sculpture and the current state of its condition, as well as its location.

In December 2006, OIG special agents learned that the sculpture *Paciencia*, which used to occupy the grounds of the South Miami Metrorail Station, was located in an outdoor construction storage yard of Delant Construction, located at 7380 NW 77<sup>th</sup> Court, Miami, FL. Shortly thereafter, during a meeting between OIG special agents and the Director of Arts in Public Places (APP), Mr. Ivan Rodriguez, regarding the acquisition and proposed installation of the *Space Station* sculpture by Hometown Station at the South Miami Metrorail Station, the matter of the former sculpture *Paciencia* was brought up. Mr. Rodriguez told the OIG that the sculpture had been dismantled and removed without the County's permission, and that he was unaware of its current location and the physical condition of the sculpture.

On January 10, 2007, OIG special agents traveled to the Delant storage yard and saw the sculpture named *Paciencia*. The sculpture had been completely dismantled and many parts—in particular the bolts—were rusted.<sup>1</sup> Photographs were taken and shown to Mr. Rodriguez in a follow-up meeting that took place the next day, on January 11<sup>th</sup>. The OIG sought an explanation for how it came that *Paciencia* was to be replaced and then dismantled, and now rests in a severely damaged state in a non-contracted private facility. At the end of the meeting, the OIG asked Mr. Rodriguez to provide us with a written explanation to the questions we raised.

On January 19, 2007, APP Director Rodriguez provided the OIG with a chronology of events regarding the removal of artist John Henry's *Paciencia* sculpture from the South Miami Metrorail Station. His chronology, including exhibits, is attached in full to this memorandum. Additionally included is a stock color photocopy of *Paciencia* when it was installed on the grounds of the South Miami Metrorail Station, and color photocopies of the photographs taken by the OIG of the dismantled sculpture at the Delant storage yard.

In essence, the chronology and the attachments reveal that initial discussions about replacing John Henry's *Paciencia* began in April 2004 between Arts in Public Places and Hometown Station Ltd. representatives. Hometown Station Ltd. hired Cesar Trasobares as its art consultant for this removal and relocation project. It was intended that *Paciencia* be relocated to the Culmer Metrorail Station, and that the existing sculpture at Culmer, *Ingathering* by artist Tony Rosenthal, be de-accessioned due to its deteriorated condition. The chronology tracks these efforts through the end of 2004. It was learned in January 2005 that *Paciencia* was dismantled by or on behalf of Hometown Station without notice to, or approval by, the County. Once County officials learned of *Paciencia*'s dismantling, concern was expressed that the pieces were lying on the South Miami Metrorail grounds exposed, without proper covering, etc., and that they needed to be properly relocated and stored in a safe place. Through email correspondence on or about January 20, 2005, County representatives in the Transit

---

<sup>1</sup> Other correspondence reviewed by the OIG noted that the sculpture was damaged by cuts made into the weld(s) during the dismantling of the structure.

Department and APP were advised that *Paciencia* was moved by Delant to its outdoor storage yard as instructed by Delant's client [Hometown Station Ltd.]. Over two years later, *Paciencia* remains there.

According to the chronology, efforts to relocate *Paciencia* to the Culmer Metrorail Station continued from January through August 2005. Email correspondence on April 5<sup>th</sup> and April 7, 2006 indicate plans to relocate *Paciencia* to a Department of Solid Waste Management (DSWM) facility. DSWM agreed to the relocation to one of its transfer stations. The relocation did not take place and no explanation is provided in the chronology as to why the relocation did not take place.

Based upon the email wherein DSWM agrees to accept relocation of *Paciencia* to one of its facilities, the OIG contacted the DSWM to ascertain what had occurred. The OIG was advised that a "tulip" sculpture was located at the intended transfer station and that the "tulip" was going to be relocated in order to receive *Paciencia*. The DSWM manager assigned to this project did not know where the "tulip" was going, but recalled that shortly after the aforementioned email, arrangements were made to receive the *Paciencia* sculpture for installation at the transfer station. He mentioned that there seemed to be some urgency to move the sculpture quickly, but that neither the sculpture nor a moving crew ever showed up on the arranged date. He advised the OIG that he did not hear anything more after that about the sculpture, and that the "tulip" is still there.

As of January 10, 2007, *Paciencia* is still at the Delant storage yard. The OIG's photographs were transferred to disc and provided to the APP Director.

It is the OIG's impression that if not for our inquiry into these events, *Paciencia* would have been all but forgotten. Clearly, it is a valuable piece of art, estimated to be valued at between \$400,000 to \$600,000. *Paciencia* was acquired by the County as artwork for the public. It has not been in the public's possession for over two years. Since its dismantling, it has rusted and been damaged, and its current condition, as observed by the OIG, is disheartening.

The OIG requests, through the County Manager's Office, a report on what the County intends to do about *Paciencia*, including any arrangements to be made to retake possession of the sculpture and conduct an assessment of its condition and the viability of reassembling it for public installation. The OIG would appreciate this response within 30 days, on or before March 6, 2007.

Please do not hesitate to contact me should you require additional information from the OIG.

Attachment

Distribution List

cc: The Honorable Bruno Barreiro, Chairman, Board of County Commissioners  
The Honorable Carlos Alvarez, Mayor, Miami-Dade County  
The Honorable Katherine Fernandez Rundle, Miami-Dade State Attorney  
Mr. Alex Munoz, Assistant County Manager  
Mr. Ivan Rodriguez, Director, Art in Public Places  
Mr. Roosevelt Bradley, Director, Miami-Dade Transit Agency  
Ms. Kathleen Woods-Richardson, Director, Solid Waste Management  
Ms. Cathy Jackson, Director, Audit and Management Services Department  
Mr. Richard Scruggs, Assistant State Attorney

CM/lm  
c:/my documents\oig cases 2007\07-07-memo