

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D. 2003

SIRGANY INTERNATIONAL, INC.,	**	
	**	
Appellant,	**	CASE NO. 3D02-2768
	**	
vs.	**	
	**	
MIAMI-DADE COUNTY,	**	LOWER TRIBUNAL
	**	CASE NO. 02-23892
Appellee.	**	

Opinion filed May 28, 2003.

On Petition for Writ of Certiorari to the Circuit Court of
Miami-Dade County, Amy Steele Donner, Judge.

Stephen M. Cody; Miguel A. De Grandy, for appellant.

Christopher Mazzella, Inspector General, and Patra Liu,
Assistant Inspector General; Robert A. Ginsburg, County Attorney,
and Richard B. Rosenthal, Assistant County Attorney, for appellee.

Before COPE, FLETCHER, and WELLS, JJ.

FLETCHER, Judge.

Sirgany International, Inc., [Sirgany] has appealed the trial
court's order denying Sirgany's petition for a writ of prohibition
against the Miami-Dade Inspector General. We treat Sirgany's

appeal as a petition for writ of certiorari and deny the petition.¹

The Miami-Dade Office of Inspector General² has the responsibility to investigate various and sundry county matters, such as activities of contractors, their officers, agents and employees, lobbyists, county staff and elected officials in order to ensure compliance with contract specifications and to detect fraud.³ The Inspector General is appointed by the Miami-Dade Commission on Ethics⁴ and is delegated the power to subpoena witnesses and to require the production of records.⁵

The Inspector General has sought the production of certain records of Sirgany in relation to Sirgany's management and operation of its commercial activities at Miami International Airport. Sirgany has resisted producing the records, which

1

Sirgany's appeal was labeled as an appeal of a "non-final" order. Although the order is indeed non-final (at least one interrelated count remains unresolved by the trial court) it is not an appealable order. Rule 9.130, Fla.R.App.P.

2

Created by Section 2-1076 of the Miami Dade Code.

3

Section 2-1076(c)(8). The above listing is far from complete.

4

The Commission is created by Article LXXVIII (Sections 2-1066 through 2-1075) of the Miami-Dade Code.

5

Section 2-1076(c)(3).

resistance includes the filing in the circuit court of a petition for writ of prohibition, attempting to prevent the Inspector General from seeking to enforce the records subpoena.⁶ The trial court denied Sirgany's prohibition petition and Sirgany has appealed that denial to this court, raising various reasons as to why the subpoena should be quashed.

We reject the appeal without reaching the substantive arguments as prohibition is not appropriately sought against the Inspector General. This is the case as prohibition is applicable only in relation to judicial or quasi-judicial actions. Broward County v. Florida Nat'l Prop., 613 So. 2d 587 (Fla. 4th DCA 1993); Koulianos v. Phillips, 516 So. 2d 68 (Fla. 2d DCA 1987). As the Inspector General does not exercise any judicial or quasi-judicial functions,⁷ but only makes recommendations to various boards, prohibition is not available.

The petition for writ of certiorari is denied.

⁶

The Inspector General enforces subpoenae by application to the circuit court. § 2-1076(c)(3).

⁷

See Fisher Island Holdings, LLC v. Miami-Dade County Comm'n on Ethics & Public Trust, 748 So. 2d 381 (Fla. 3d DCA 2000).