
From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, January 16, 2015 2:27 PM
To: Sanchez, Rodzandra (COE)
Subject: Jose Smith, Esq., City Attorney, City of North Miami Beach (Cone of Silence) INQ 15-09

INQ 15-09

From: Centorino, Joseph (COE)
Sent: Thursday, January 15, 2015 4:23 PM
To: 'Smith, Jose'
Cc: Diaz-Greco, Gilma M. (COE)
Subject: INQ - Jose Smith, Esq., City Attorney, City of North Miami Beach (Cone of Silence)

Mr. Smith:

You have inquired regarding whether the City Manager of North Miami Beach may communicate with members of the Selection Committee on an outstanding RFP, where those members are City department heads and staff, following the Committee's recommendation to the Manager but prior to the Manager's submitting her recommendation to the City Council.

The Cone of Silence, Section 2-11.1(t) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, would generally prohibit oral communications between the Manager and members of the Committee while the Cone is in place. Section 2-11.1(t)1.(a)(vi) does permit communication between the Manager and the Chairperson of the Selection Committee about a particular recommendation, following its submittal to the Manager, with the proviso that if there be any change in the recommendation, the reasons therefor, as well as the content of such communication, should be described in writing and filed by the Manager with the Clerk of the Board. However, the latter provision would not permit oral communications with Committee members other than the Chairperson. Section 2-11.1(t)1.(a)(ix), cited by you in your inquiry in connection the RQO 09-06, would permit employees of the Department of Procurement Management to consult with staff colleagues, but that would not include the Manager.

The Manager still retains the right to address members of the Selection Committee in a noticed, public meeting should she wish to do so.

Sincerely,

Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust

From: Smith, Jose [<mailto:Jose.Smith@citynmb.com>]
Sent: Tuesday, January 13, 2015 5:52 PM
To: Centorino, Joseph (COE); Johnston, Sarah
Cc: Murawski, Michael P. (COE); Ramos, Miriam S. (COE)
Subject: RE: Inquiry Cone of Silence RFP 2014-08

Mr. Centorino:

The Procurement Director has questioned whether the City Manager may, in performing her due diligence as part of making her recommendation to the City Council on this RFP, have conversations with members of the evaluation committee other than the committee Chairman. The evaluation committee process is complete and their

recommendations have already been made. The committee members that the City Manager wishes to speak with are department directors and other city employees involved in Solid Waste.

My reading of the Cone and the only COE opinion on this issue (RQO 09-06) (January 30, 2009) suggests that such communications are permissible.

Please confirm that my understanding is correct.

Thanks for your continued cooperation.

Jose

From: Centorino, Joseph (COE) [<mailto:CENTORI@miamidade.gov>]
Sent: Monday, January 12, 2015 10:17 AM
To: Johnston, Sarah
Cc: Smith, Jose; Murawski, Michael P. (COE); Ramos, Miriam S. (COE)
Subject: RE: Inquiry Cone of Silence RFP 2014-08

Mr. Smith:

The Commission on Ethics does not provide opinions regarding past conduct, only prospective conduct where the inquiry is made by an individual who may be involved in the conduct. However, the information which you have provided to us will become the subject of an investigation by the COE to determine whether a violation of the Cone of Silence has occurred and, if such a violation is determined, what punitive action may be taken by the COE. If there is a determination of a violation, the Cone of Silence provides for the following possible consequences:

- 1)The award is voidable;
- 2)The violator will be barred from serving on a future competitive selection committee in North Miami Beach;
- 3)An employee who violates the Cone is subject to disciplinary action;
- 4)The State Attorney's Office, in its discretion, may file criminal charges;
- 5)The Ethics Commission may fine or reprimand the offender(s).

We appreciate your initiative in bringing this matter to our attention, and ask that your office and other officials or employees who may have knowledge regarding this possible violation cooperate with COE investigators to insure a full and expeditious investigation. This matter will remain confidential until there is a finding of probable cause or it is otherwise closed. We will, of course, notify you in connection with any finding or other action as soon as it becomes public. Please call me at 305-579-2594 in the event that you would like to further discuss this matter.

Sincerely,

Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust

From: Johnston, Sarah [<mailto:Sarah.Johnston@citynmb.com>]
Sent: Friday, January 09, 2015 5:04 PM
To: Centorino, Joseph (COE)
Cc: Smith, Jose
Subject: Inquiry Cone of Silence RFP 2014-08

Good Afternoon Mr. Centorino,

Please see the attached inquiry being sent at Mr. Smith's request.

Thank you.

Sarah L. Johnston
Assistant City Attorney
City of North Miami Beach
17011 NE 19th Avenue
North Miami Beach, FL 33162
Telephone: (305) 948-2939 x. 2303
Facsimile: (305) 787-6004



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