

INQ SUMMARY 2020

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
20-01	(j), (v) RQO 12-01 <i>directed to</i> Art. III, Sec. 3, PHT Bylaws	Eugene Shy, Assistant County Attorney, JHS/PHT	While conflict of interest standards and appearance of impropriety considerations are essential to the review process of any prospective appointment to a PHT committee or sub-committee, the heightened conflict of interest contained in the PHT Bylaws designed to address actual and perceived conflicts of interest in the appointment or service of Trustees to the PHT Board, does not apply to situations where a former PHT board member is seeking appointment as a Member-at-Large to a PHT sub-committee which serves in an advisory capacity and does not assume any of the powers and duties exercised by the PHT governing board.
20-02	(t)	Erin Hendrix, Partner, LSN Partners	The Cone of Silence goes into effect at the time an RFP, RFQ, or bid is first announced, and is lifted when the Mayor files a written recommendation to the County Commission. However, as the Board of County Commissioners deferred the contract award to a committee and the committee, in turn, directed the administration to obtain “best and final” offers from the recommended vendor and another proposer, the Cone of Silence is re-imposed until the final award recommendation effectively ending the competitive process, is resubmitted to the Board of County Commissioners.
20-03	(j), (k), (g) RQO 16-02 RQO 09-16 RQO 08-45 RQO 04-173 RQO 99-40	Arturo L. Ruiz, Director of Administration, City of Hialeah Gardens	The Director of Administration for the City of Hialeah Gardens does not engage in conflicting outside employment by working as a marketing and sales consultant for CFI, a private company which is not a City vendor but is owned by the Hialeah Gardens City Attorney, Charles Citrin, because the Director of Administration has no involvement, authority, or oversight over the City Attorney or the City Attorney’s contract with Hialeah Gardens and the City Attorney does not have any oversight over the Director, nor his staff; the Director’s duties are not closely related to the duties he will perform in his outside employment; and all the work he will perform for CFI would occur outside of his City employment hours.

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20-04	(e)	Carlos Gimenez, Mayor, Miami-Dade County	The County Ethics Code does not prohibit the Mayor from accepting two Superbowl game tickets from Stephen Ross because Mr. Ross is not a County vendor, lobbyist or service provider; and there is no evidence or suggestion that the offer or acceptance of the gift is part of a quid pro quo transaction. However, given that the value of the gift exceeds the \$100 threshold, it is recommended that the Mayor make a public disclosure of the gifted tickets, even though an argument can be made that disclosure may not be required under Section 2-11.(e)(4).
20-05	(s)	Katelyn Gilligan, Project Manager, First Watch Solutions, Inc.	Lobbyist registration requirements apply to all persons who are employed or retained for the purpose of lobbying, regardless of whether the person ultimately lobbies. Further, an individual who registers to lobby, pays the registration fee, lobbies (or chooses not to lobby) and then files a notice of withdrawal prior to the expiration of the 60-day period during which he or she was to complete the ethics course, is not required to take the lobbyist ethics course.
20-06	(s) RQO 18-05 RQO 08-41	Alicia Anderson, Director of Contracts, TELCOR	An existing JHS vendor does not have to register as a lobbyist, where the existing contract includes terms that provide for the agreement's automatic renewal, without any attempt by the vendor to influence, advocate or renegotiate the contractual terms.
20-07	(t) RQO 01-17 directed to Sunshine Law, Fla. Stat §286.011 AGO 99-53	David J. Carter, Vice President, Atkins	Section 2-11.1(t)(1)(c)(i) of the County Ethics Code exempts oral communications during publicly noticed pre-bid conferences/meetings from the Cone of Silence prohibitions. These meetings are however subject to the Sunshine law. Pursuant to the Sunshine law requirements, any person who chooses to attend a duly noticed pre-bid conference may do so, as the meeting is "open to the public."

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20-08	(c), (d), (g), (m)(1), (n)	Yokonon M. Baugh, Fire Rescue Dispatcher, Miami-Dade County Fire Rescue Department (MDFR)	A County employee may accept a Mom & Pop grant for his privately-owned company as long as his department is not involved in any way in processing or administering the grant, and the employee does not lobby for the grant.
20-09	(c), (d), (g), (m)(1), (n)	Tammie Jones, Bus Operator, Miami-Dade Department of Transportation and Public Works (DTPW)	A County employee may accept a Mom & Pop grant for her privately-owned company as long as her department is not involved in any way in processing or administering the grant, and the employee does not lobby for the grant.
20-10	(s) RQO 18-05	Tammy Dumas, Sr. Analyst, FedEx	FedEx employees who participate in negotiations with Jackson Health Systems (JHS) regarding a bid waiver contract, are required to register as lobbyists, if the contract requires review or approval by the Public Health Trust (PHT), JHS-PHT Chief Executive Officer, or a JHS-PHT board or committee.
20-11	(d) RQO 15-04	Lorenzo Cobiella, Deputy Town Attorney, on behalf of Miami Lakes Council member Luis Collazo	A Town of Miami-Lakes Councilmember may vote on an item that will provide an across the board pay increase for all Town employees, where the Councilmember's spouse is a Town employee, because the Councilmember will not personally or professionally be enhanced by the item under consideration since the item will not confer any special or unique benefit to his spouse. Rather, whatever benefit his spouse receives will be consistent with the benefits received by the entire class of the Town employees.

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20-12	(m) <i>directed to</i> City of South Miami Code § 8-A(1)	Thomas F. Pepe, City Attorney, City of South Miami	An appointed member of the City of South Miami (SM) Historic Preservation Board (HPB) who has recused himself from voting on his personal application to the HPB to make renovations to his private home designated as a historic property, may nevertheless appear before the board on which he serves to present his application. While both County Ethics Code Sec.(m)(2), and SM Ethics Code Sec. 8-A(1) prohibit board members from appearing before the board on which they serve to represent third parties, neither these codes, nor the HPB's enabling ordinance, nor another SM Code, prohibit a board member from appearing in his or her individual capacity to present an application before their board.
20-13	(c)(4)	Julio Marroquin, Ibis Roofing, Inc.	An individual seeking to register as a County vendor, whose spouse is employed by the School Board, is not required to obtain an ethics opinion from the Ethics Commission because the Ethics Commission has no jurisdiction over School Board employees.
20-14	(c), (d), (n), (g), (j), (m)(1)	Jessica Salum, Physical Therapist 1, Jackson Health Systems/Public Health Trust	A JHS employee may contract with the County through her privately-owned company, as long as the contract does not interfere with the full and faithful discharge of her duties at JHS; and she may not lobby the County for the contract.
20-15	(c), (d), (n), (g), (m)(1)	Maria Elena Villegas, President, Ecocare Building Solutions	The spouse of a County employee may contract with the County through her privately-owned company, but he may not contract with the Miami-Dade Police Department that employs her spouse; her spouse, the County employee, may not lobby the County for the contract; he may have no involvement in determining the contract requirements; and shall not be involved in the contract in any way.

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
20-16	(v), (n)	Justin Espagnol, A/E Consultant Selection Coordinator, Miami-Dade County Internal Services Department	A member of the selection committee for a County Transportation and Public Works project, whose husband serves as Vice-President of AECOM, a respondent to this solicitation, should be removed from this selection committee, pursuant to Section (n) of the Ethics Code, which prohibits County employees from participating in any official action directly or indirectly affecting a business in which she or any member of her immediate family has a financial interest. Further, even though not specifically prohibited by the Ethics Code, it is recommended that a second member of the selection committee for the same project, whose brother works for Atkins North America, a respondent to this project, should not serve on this selection committee, because he has indicated that the fact that his brother works for Atkins may impair his independence of judgment when evaluating the proposals submitted by the respondents.
20-17	(q) RQO 00-145 RQO 06-54 RQO 11-24 RQO 12-09	Manuel O. Garcia, Assistant Director, Construction & Maintenance, Miami-Dade County Department of Transportation and Public Works (DTPW)	Under the two-year rule, a former County employee, may work for a firm that does business with the County. However, the employee is prohibited from lobbying the County for a two-year period following his separation from the County. Additionally, pursuant to Section 2-11.1(h), the former County employee may not disclose confidential information acquired as a result of his County employment and may not use such information directly or indirectly for his personal benefit.

20-18	(d), (g) RQO 15-04	Oscar de la Rosa, Council member, City of Hialeah	<p>A City of Hialeah Councilmember, who has his own law firm, may not represent clients on matters involving the City of Hialeah because it may impair his independence of judgment in the performance of his public duties and he would have a voting conflict in the matters. Additionally, if a client of his law firm appears before the City Commission and is being represented by another firm the Councilmember may not vote because his official actions may directly or indirectly affect the client's relationship with the elected official's law firm; he may not vote if his firm is collaborating or partnering with any other firm to represent a client with a matter before the City Commission, even if another attorney from the collaborating firm is appearing before and lobbying the City Commission on behalf of the client, because the elected official may be considered an "of counsel" of the collaborating law firm, which is among the relationships specifically referenced in Section (d) of the Ethics Code; and he may not vote if a firm for which he serves as "of counsel" is appearing before the City Commission, on a matter that is unrelated to the matter that he is collaborating with the law firm. Nevertheless, his law firm's collaboration with other firms on matters outside of and not involving the City of Hialeah would not create a recurring conflict of interest, even if the collaborating firm represents clients in Hialeah or in matters that involve the City.</p>
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