

Walker, Ardyth (COE)

INQ 06-108

From: Walker, Ardyth (COE)
Sent: Monday, July 31, 2006 12:57 PM
To: Gillman, Henry (Airport)
Cc: Jones-Wilfork, Bobbie (Airport); Meyers, Robert (COE)
Subject: Construction Project Managers-Financial Disclosure

I received your request for an opinion regarding whether Construction Project Managers are required to file financial disclosure under Chapter 112 of the Florida Statutes. You advised me that Construction Project Managers are one of the signatories for change orders and other contract documents that may exceed fifteen thousand dollars. Accordingly, you inquired as to whether they fell within the statutory requirement that anyone who has authority to make expenditures that exceed fifteen thousand dollars must file financial disclosure.

The Florida Ethics Commission has opined that Construction Project Managers do not have to file financial disclosure because they may not independently make expenditures. All change orders and payments require additional approval. As long as additional approval is required for expenditures, they are not considered procurement agents. Accordingly, Construction Project Managers do not have to file financial disclosure under state law.

If you have any further questions, please contact me at 350-0616 or awalker@miamidade.gov

Walker, Ardyth (COE)

From: Meyers, Robert (COE)
Sent: Friday, July 21, 2006 2:51 PM
To: Walker, Ardyth (COE)
Subject: FW: Tyrone Browne - 2005 Financial Disclosure

Ardyth,

What your opinion about having Construction Project Managers file? Let's discuss.

Thanks,

Robert

From: Henry N. Gillman [mailto:HGillman@miami-airport.com]
Sent: Friday, July 21, 2006 2:45 PM
To: Bobbie Jones-Wilfork
Cc: Meyers, Robert (COE)
Subject: RE: Tyrone Browne - 2005 Financial Disclosure

Bobbi,

Section 2-11.1(h)(i)(2) of the County Code lists the county and municipal personnel that is required to file financial disclosure information. Although construction project managers are not included in this list, state law requires that a statement of financial interests be filed by a purchasing agent who has the authority to make any purchase exceeding \$15,000 for the local governmental unit. To the extent any of the construction project managers have such authority I believe they must file the required forms. However, the Ethics Commission has jurisdiction over this area and Robert Meyers is the Executive Director.

-----Original Message-----

From: Bobbie Jones-Wilfork
Sent: Friday, July 21, 2006 12:56 PM
To: Henry N. Gillman
Subject: FW: Tyrone Browne - 2005 Financial Disclosure

Henry,

Based on the Financial Disclosure requirements do you think that our Construction Project Managers need to complete the form/ Please advise. Thanks.

Bobbie Jones-Wilfork
Assistant Aviation Director for Administration
Miami-Dade Aviation Department
Office: (305) 876-0939
Fax: (305) 869-3178
E-mail: bphillips@miami-airport.com

**** IMPORTANT NOTICE ****

The Miami-Dade County Aviation Department is a public agency subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All e-mail sent and received is captured by our server and kept as a public record.

-----Original Message-----

From: Wallace Madry
Sent: Friday, June 23, 2006 8:27 AM
To: Narinder S. Jolly; Bobbie Jones-Wilfork

7/31/2006

Cc: Shelly Krenz; Tyrone Browne
Subject: RE: Tyrone Browne - 2005 Financial Disclosure

I'll let Bobbie discuss this with you concerning her interpretation and the requiring of her staff to file. She will be in on Monday.

-----Original Message-----

From: Narinder S. Jolly
Sent: Friday, June 23, 2006 8:04 AM
To: Wallace Madry; Bobbie Jones-Wilfork
Cc: Shelly Krenz; Tyrone Browne
Subject: RE: Tyrone Browne - 2005 Financial Disclosure

Wallace:

As noted in Mr. M. Murawski's message below, County Departments send the list of employees required to file the disclosure documents.

I suppose such a list would be prepared by your office; therefore, if you agree that Tyrone is not required to file these documents, please advice the Elections Department to remove his name from the list.

Thanks.

-----Original Message-----

From: Wallace Madry
Sent: Thursday, June 22, 2006 4:00 PM
To: Narinder S. Jolly; Bobbie Jones-Wilfork
Cc: Shelly Krenz; Tyrone Browne; Aida Bao-Garciga; Bert Maura; Felix Pereira; Juan A. Gonzalez; Juan Carlos Arteaga
Subject: RE: Tyrone Browne - 2005 Financial Disclosure

No change. I will provide the criterion.

-----Original Message-----

From: Narinder S. Jolly
Sent: Thursday, June 22, 2006 1:57 PM
To: Wallace Madry; Bobbie Jones-Wilfork
Cc: Shelly Krenz; Tyrone; Aida Bao-Garciga; Bert Maura; Felix Pereira; Juan A. Gonzalez; Juan Carlos Arteaga
Subject: RE: Tyrone Browne - 2005 Financial Disclosure

Wallace:

This issue keeps coming up year after year. In previous years Project Managers were told to file, and later it was found they did not in fact need to report. Now a Chief is being asked to fill out the Financial Disclosure paperwork, although in previous years we have been advised that only Managers and above must report financial disclosure. If there has been a change this year that we are not aware of, please advice as it might affect our other Chiefs as well, since in the past none of the Facilities Chiefs was required to file.

Please provide us a criterion that determines who needs to

file these documents?
Thanks.

-----Original Message-----

From: Wallace Madry
Sent: Thursday, June 22, 2006 1:27 PM
To: Tyrone Browne
Cc: Bobbie Jones-Wilfork; Narinder S. Jolly
Subject: RE: Tyrone Browne - 2005 Financial Disclosure

Have N. Jolly as your Supervisor make the request to us and we will forward to Elections.

-----Original Message-----

From: Tyrone Browne
Sent: Monday, June 19, 2006 5:14 PM
To: Wallace Madry
Subject: FW: Tyrone Browne - 2005 Financial Disclosure

Wallace can you please have elections remove my name from there list of Aviation Dept. employees requiring the filing of Financial Disclosure Forms. Thanks

-----Original Message-----

From: Ramos, Miriam S. (COE)
[mailto:MSRAMOS@miamidade.gov]
Sent: Monday, June 12, 2006 2:33 PM
To: Tyrone Browne
Cc: bvmrr@aol.com
Subject: FW: Tyrone Browne - 2005 Financial Disclosure

-----Original Message-----

From: Murawski, Michael P. (COE)
Sent: Monday, June 12, 2006 2:29 PM
To: Ramos, Miriam S. (COE)
Subject: RE: Tyrone Browne - 2005 Financial Disclosure

Miriam:

Please forward this response to Mr. Browne and Beverly....

Dear Mr. Browne:

My office is merely the enforcement mechanism of the County Code. If the Elections Department advises us that you were required to file a financial disclosure and you have failed to do so we either get compliance or a complaint is filed for failure to comply. According to the Elections Department they are told by each department who is required to file. It is not the Ethics Commission or the Elections Department who decides which people are on or off the reporting list. I will delay any action on this matter for 2 weeks from today for you to check with your superiors and have them advise Elections to remove you from the

list if they deem that appropriate.

Thanks for your cooperation

Sincerely,

Michael Murawski

-----Original Message-----

From: Ramos, Miriam S. (COE)
Sent: Monday, June 12, 2006 1:02 PM
To: Murawski, Michael P. (COE)
Subject: FW: Tyrone Browne - 2005 Financial Disclosure

-----Original Message-----

From: Tyrone Browne [mailto:TBROWNE@miami-airport.com]
Sent: Monday, June 12, 2006 12:59 PM
To: Ramos, Miriam S. (COE); bvmrr@aol.com
Cc: Madry, Wallace (Airport)
Subject: RE: Tyrone Browne - 2005 Financial Disclosure

Ms. Ramos/Ms. Morrison,
Chiefs are not required to file out Financial Disclosure form based on the lack of authority to independently approve and make major financial decisions without the approval of senior management. Therefore, my name should be removed from the Commission on Ethics non-compliant report for not filing. I can not retrieve an old e-mail sent by Dr. Bonzon related to this subject back in 2003 stating that this disclosure was not necessary for staff on my level.
Bobbie/Wallace,
My name should be removed from the list of MDAD employees requiring the filing of the above referenced disclosure. Apparently this list is maintained by the Elections Department.

-----Original Message-----

From: Ramos, Miriam S. (COE)
[mailto:MSRAMOS@miamidade.gov]
Sent: Monday, June 12, 2006 11:04 AM
To: Tyrone Browne
Subject: FW: Tyrone Browne - 2005 Financial Disclosure

-----Original Message-----

From: bvmrr@aol.com [mailto:bvmrr@aol.com]
Sent: Monday, June 12, 2006 10:59 AM
To: Ramos, Miriam S. (COE)
Subject: Tyrone Browne - 2005 Financial Disclosure

Good morning Miriam,

I don't have access to the county email system as of yet. Please forward this email to Tyrone Browne for me (tbrowne@miami-airport.com).

Mr. Browne,

I just left you a message at work. Please give me a call as soon as possible regarding your 2005 financial disclosure filing. My number is 786-301-6914.

Thank you in advance.

Beverly Morrison
Contract Investigator
Miami Dade Ethics Commission

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