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**Commission on Ethics &  
Public Trust  
Miami-Dade County**

# Memorandum

To: Michael Murawski, Advocate  
Miriam Ramos, Deputy Advocate

Date: January 12, 2011

From: Kennedy Rosario, Investigator

Re: GreenbergTraurig Conflict Waiver

C/N K10-178

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**Background:**

On December 17, 2010, Kerri I. Barsh, Esq., a member and sharefolder of the GreenbergTraurig (GT) law firm wrote to Clerk of the Board Harvey Rubin requesting a Conflict Waiver in order to represent TransMontaigne Partners L.P. (TM) in "connection with its discussions with the staff of the Miami-Dade Seaport Department regarding TransMontaigne's Fuel Terminal located on Fisher Island and related matters."

As stated in a December 15, 2010 letter to Jose Rasco, Director of Office of Intergovernmental Affairs, GT currently provides legal Bond Counsel to the County and is one of the County's Federal Government Lobbyist under County contract Q75a.

In a memorandum to the Miami-Dade Commission on Ethics & Public Trust (COE) dated December 27, 2010, Clerk of the Board Division Acting Chief Diane Collins, pursuant to County Resolutions R-107-10 and R-632-10, requested the COE conduct a review of the GT Conflict Waiver request.

**Investigation:**

TM is a oil/fuel "terminaling and transportation company" with operations in numerous American states including Florida.

TM's subsidiary, TransMontaigne Product Services, Inc.(TMP), is the propriety owner of a fuel terminal on unincorporated Fisher Island.

TM through its TMP subsidiary provides fuel at the Seaport and Miami River to, among other clients, the Cruise Industry.

According to Seaport Business Initiatives Manager Kevin Lynskey, the Seaport began preliminary discussions with TM/TMP regarding a Fuel Depot to be located on Seaport/County property that would serve the Seaport and its customers with their fuel needs.

This proposed fuel depot, due to its location, would utilize fuel/oil pipelines for fuel/oil delivery from the holding facilities, effectively reducing the current use of fuel/oil barges from the TMP Fisher Island terminal to the Cruise ships and other end users.

The COE conducted a fact finding inquiry which included:

Interviews and discussions with Seaport personnel.

Discussions with Joe Rasco, overseer of the Q75a contract.

Discussions and interviews with GT attorneys Kerri Barsh and Jim Leshaw

Analysis of GT's August, September and October 2010 legislative reports submitted to the BCC.

GT's 2009 Year End Legislative Update to the BCC,

Conducted fact finding database searches of TransMontaigne.

Made TransMontaigne vendor inquiry through the Procurement Department.

### **Conclusion**

TransMontaigne has numerous subsidiaries in a number of regions throughout the United States, the Fisher Island facility is the only "real estate" asset they currently own in Miami-Dade County.

Assurances from GreenbergTraurig that the law firm is not engaged in any legal counsel activities with TransMontaigne that in anyway impacts the County.

GreenbergTraurig has in the past obtained and currently holds County waivers on legal matters in which the County has an interest.

The Office of Intergovernmental Affairs voiced no opposition to the Conflict Waiver.

The Seaport Department likewise voiced no opposition to the Conflict Waiver.

The COE investigation did not uncover any information that could possibly negate the Conflict Waiver.