

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K 12-109

Date Opened: July 25, 2012

Date Closed: December 17, 2012

Name of Investigator: Breno Penichet

Allegation:

It was alleged that a Miami-Dade County (MDC) Port employee entered into an agreement to serve as a consultant for a company, while at the same time the parent company had two project bids pending with the Port of Miami.

Applicable Legislation:

Sec. 2-11.1(j), *Conflicting employment*

“No person included in the terms defined in Subsections (b)(1) through (6) and (b)(13) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties.”

Investigation:

COE Investigators reviewed a letter that was sent to Executive Director Joe Centorino (Centorino), regarding an investigation conducted by Honeywell International, Inc. (Honeywell). The letter disclosed the results of the investigation which involved one of their employees who failed to follow proper procedure when he negotiated and executed an agreement with Automated Port Solutions (APS). Honeywell determined that this was an improper agreement

because it presented a conflict. APS had a consultant, Louis Noriega (Noriega), who was employed by the Port of Miami as Chief of Seaport Information Systems.

At the time the agreement was executed APS/ Noriega (May 1, 2012) Honeywell had two (2) project bids pending with the Port:

1. Bid No. 200PUT9K014 Port of Miami Mass Notification / Emergency Notification Systems project. (Primarily funded by FEMA grant).
2. Bid No. 9624-1/20 Water Surveillance System Licenses, Maintenance & Technical Support Services.

Upon learning of the execution of the agreement, Honeywell promptly terminated the agreement, because it appeared the execution of the agreement would have created a conflict of interest. Honeywell felt that since Noriega was still employed by the Port, he may have some input into selecting the winning bidder in one or more of the projects.

The investigation confirmed that no payments were made to APS or Noriega. In fact, the agreement was terminated and the Port Director and Commission on Ethics were notified. COE Investigator Penichet contacted Port Director Bill Johnson (Johnson) and he stated that Honeywell notified him of the circumstances and the results of the investigation and no further action was taken. COE Investigator Penichet also spoke to Assistant Port Director Juan Kuryla who advised that Noriega had retired and provided contact information.

Noriega was contacted regarding the Honeywell investigation and the agreement negotiated by APS. Noriega said that he was approached by several companies when he announced his retirement due to his expertise in port automated systems. Noriega was an independent consultant for APS and was working there with authorization from the Port. Noriega advised that he retired on June 8, 2012 and he now owns APS, but he did not when Honeywell approached the company to negotiate the contract. Noriega advised that he had no input in the projects Honeywell had placed a bid on, and at no time was he promised any compensation to help anyone. Noriega advised that, to his understanding, Honeywell had

problems with the person negotiating the agreement with APS, and wanted an excuse to get rid of him. Noriega had no other information to provide.

CONCLUSION:

Based upon the fact that Honeywell immediately terminated the contract in order to avoid any possible conflict and that Noriega has retired from the County, this matter is closed with no further action.