



Miami-Dade Commission on Ethics & Public Trust

Report of Preliminary Inquiry

Investigator: Manuel W. Diaz

Case PI 14-013	Case Name: ISD Ubieta	<u>Date Open:</u> Feb. 28, 2014	
Complainant(s): Anonymous	Subject(s): Jose Ubieta		

Allegation(s):

The COE received anonymous information that Jose Ubieta (Ubieta), Vice President of Allied Barton Security Services (Allied Barton), a Miami-Dade County vendor, may have violated the Miami-Dade County Conflict of Interest and Conflict of Interest Ordinance.

The anonymous caller indicated that Ubieta was employed by Miami-Dade County as a Department of General Services Administration Supervisor in 2010 after being initially employed by Allied Barton and that during that time, oversaw Allied Barton contracts. The caller further indicated that Ubieta may have been involved in contract negotiation between Miami-Dade County, as an Allied Barton representative, between 2010 and 2012 – after leaving County employment but within the 2-year time frame.

Relevant Ordinances:

Miami-Dade County Conflict of Interest and Code of Ethics

Sec.2.11-1

“(x) *Prohibition on County employees and departmental personnel performing contract-related duties.* No person included in subsections (b)(5) [departmental personnel] and (b)(6) [employees], who was previously employed by or held a controlling financial interest in a for-profit firm, partnership or other business entity...shall, for a period of two years following termination of his or her prior relationship with the business entity, perform any County

contract-related duties regarding the business entity...As used in this subsection (x), “contract-related duties” include, but are not limited to, service as a member of a County certification, evaluation, selection, technical review² or similar committee; approval or recommendation of award of contract; contract enforcement, oversight or administration; amendment, extension or termination of contract; or forbearance regarding any contract...”

“(q) *Continuing application for two (2) years after County service.* (1) No person who has served as an elected County official, i.e., Mayor, County Commissioner or a member of the staff of an elected County official, or as County Manager, senior assistant to the County Manager, department director, departmental personnel or employee shall, for a period of two (2) years after his or her County service or employment has ceased, lobby any County officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject....”

Investigation:

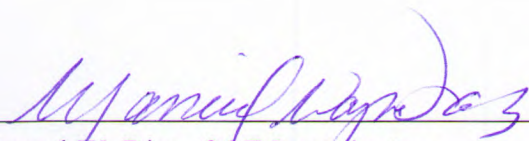
Documents reviewed.

Miami-Dade Personnel Records was queried.

The file for Ubieta was reviewed. The file contained a Personnel Change Document for Ubieta indicating a voluntary separation effective February 20, 2009.

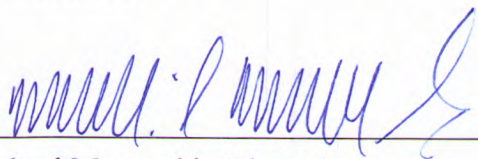
Conclusions:

Ubieta’s employment with the County was prior to 2009 therefore any violation of Sec. 2-11.1 (x) of the Code that occurred, is beyond the 3-year statute of limitations. Likewise, Ubieta left County employment in 2009 making 2011 the conclusion of the 2-year period barred by Sec. 2-11.1(q) of the Code. Therefore, any violation of Sec. 2-11.1(q) is also time-barred by the statute of limitations. This instant case is closed.

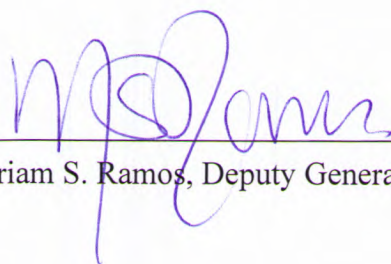


Manuel W. Diaz, COE Investigator

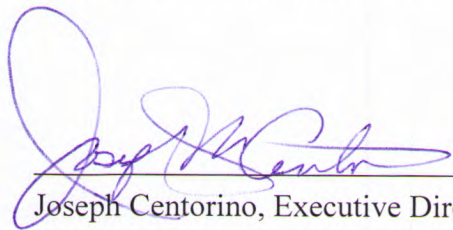
Approved by:



Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director

3/23/14

Date

**CASE
CLOSED**

Date: 3/23/14