

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, January 23, 2018 10:00 AM
To: Sanchez, Rodzandra (COE)
Subject: Thomas B. Davis, Esq., Director of Policy and Legislation Division, Office of the Commission Auditor (OCA), Miami-Dade County (Voting Conflict Inquiry Re: Project No. A16-MDAD-02 - Revised) INQ 18-16
Attachments: OCA - Project No. A16-MDAD-02 - Revised - to Advertisefor Terminal Optimization Program Project Support - 01-11-2018.pdf

INQ 18-16 Davis

From: Centorino, Joseph (COE)
Sent: Monday, January 22, 2018 3:46 PM
To: Davis, Thomas (OCA) <Thomas.Davis@miamidade.gov>
Cc: Martinez, Angie (OCA) <Angie.Martinez@miamidade.gov>; Valin, Pablo (ISD) <Pablo.Valin@miamidade.gov>; Edwards, Phillip G. (OCA) <Phillip.Edwards@miamidade.gov>; Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>; Johnson, Jannesha (OCA) <Jannesha.Johnson@miamidade.gov>; Palmer, Donna S. (OCA) <Donna.Palmer@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Beltre, Ernesto (Aviation) <EBeltre@miami-airport.com>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>
Subject: INQ 18-16 Thomas B. Davis, Esq., Director of Policy and Legislation Division, Office of the Commission Auditor (OCA), Miami-Dade County (Voting Conflict Inquiry Re: Project No. A16-MDAD-02 - Revised)

Mr. Davis:

I have reviewed the Memorandum prepared by you in connection with the Appointment of Selection Committee for Miami-Dade Aviation Department Request to Advertise for Terminal Optimization Program – Project Support – Project No. A16-MDAD-02 – *Revised*. The Memorandum was prepared in connection with Resolution No. R-449-14, directing the Office of the Commission Auditor (OCA) to conduct background checks on members serving on evaluation/selection committees. The Memorandum discloses that Ernesto Beltre, Chief Civil Engineer for the Miami-Dade Aviation Department (MDAD), a selection committee member, stated on his Neutrality/Disclosure Form that he was previously employed by Burns and McDonnell Engineering Company, Inc. (Burns) from January, 1992 until July, 1997.

I have discussed with Mr. Beltre his prior employment with Burns. Mr. Beltre worked with the firm during that time in connection with local projects. He left the firm at a time when the firm was reducing its presence in Miami-Dade County. His separation from the firm was amicable, and he went to another private firm following his departure from Burns. Since his employment at MDAD, he has interacted on occasion with the firm. He is acquainted with persons at Burns due to his prior employment with the firm and through his position at MDAD. He does not have any close personal friendships or current business relationships with anyone at Burns or with the firm itself. He does not feel that his prior employment at Burns would, in any way, affect his independent judgment about that firm's qualifications or suitability for this project.

Mr. Beltre himself will not be affected personally by the decision of the selection committee, and he does not have any of the relationships in Section 2-11.1(v) that would create a prohibited voting conflict for him to serve on the committee. While we also consider possible appearances of conflict in these situations based on the County Resolution as well as Commission on Ethics Rule 2.1(b), it is my opinion that any such appearance is very remote considering that it

is over twenty years since his employment at that firm and his lack of any financial or personal incentive to treat the firm any differently than the other respondents to the project.

Therefore, I see no reason why Mr. Beltre should not serve on this committee.

Sincerely,

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
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From: Martinez, Angie (OCA)
Sent: Thursday, January 11, 2018 12:46 PM
To: Valin, Pablo (ISD) <Pablo.Valin@miamidade.gov>
Cc: Davis, Thomas (OCA) <Thomas.Davis@miamidade.gov>; Edwards, Phillip G. (OCA) <Phillip.Edwards@miamidade.gov>; Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Johnson, Jannesha (OCA) <Jannesha.Johnson@miamidade.gov>; Palmer, Donna S. (OCA) <Donna.Palmer@miamidade.gov>
Subject: Project No. A16-MDAD-02 - Revised - To Advertise for Terminal Optimization Program Project Support

This email is being sent to you on behalf of Mr. Thomas B. Davis, Esq. Director of Policy and Legislation Division.

Angie Martinez, Executive Secretary
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**BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**

M E M O R A N D U M

TO: Pablo Valin, Non-Voting Chairperson
ISD, Procurement Management Services Division

FROM: Thomas B. Davis, Esq.,
Director of Policy and Legislation 

DATE: January 11, 2018

SUBJECT: **Appointment of Selection Committee for Miami-Dade Aviation Department Request to Advertise for Terminal Optimization Program – Project Support – Project No. A16-MDAD-02 – Revised**

On May 6, 2014, the Board of County Commissioners adopted Resolution No. R-449-14, directing the Office of the Commission Auditor (OCA) to conduct background checks on members serving on evaluation/selection committees.

The results of the background checks will be submitted to the Internal Services Department or other County department(s) overseeing and administering the competitive procurement process and to the Commission on Ethics. In accordance with the Resolution, OCA is submitting this report with the results of its research.

The voting members of the Selection Committee are Joe Napoli, Aviation, Tony Quintero, Aviation, Lissette Martinez, PHCD, Joseph Marcelin, WASD, Lisa D'Andrea-Thompson, DCA, Alejandro Zizold, PROS, (Alternate), and Reynaldo Garcia, Aviation, (Alternate). The non-voting chairperson is Pablo Valin, ISD.

Pursuant to the Resolution, the OCA completed the required background research noting no adverse findings for the Selection Committee members.

The OCA issued a memo on August 15, 2017; however, this memo serves as a revision to reflect the addition of Felix Pereira, MDAD and Ernesto Beltre, MDAD to serve on this Selection Committee, noting there were no adverse findings. Please note that, Ernesto Beltre stated on his Neutrality/Disclosure Form that he was previously employed by Burns and McDonnell Engineering Company, Inc. (1/92–7/97). Burns and McDonnell Engineering Company, Inc. is a respondent on this project.

c: Namita Uppal, Chief Procurement Office, ISD Procurement Management Services Division
Joseph Centorino, Executive Director, Commission on Ethics and Public Trust