

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, October 15, 2018 1:50 PM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-229, Thomas B. Davis, Esq., Director, Policy & Legislation Division, Office of Miami-Dade Commission Auditor (OCA) (Voting Conflict Re: RER Request to Advertise for County-wide Multimodal Mobility Impact Fee Study- Project No. E17-RER-02-Revise

INQ 18-229 Davis

From: Turay, Radia (COE)
Sent: Monday, October 15, 2018 1:43 PM
To: Johnson, Jannesha (OCA) <Jannesha.Johnson@miamidade.gov>; Whiteside, Julie (ISD) <Julie.Whiteside@miamidade.gov>
Cc: Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>; Davis, Thomas (OCA) <Thomas.Davis@miamidade.gov>; Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>
Subject: INQ 18-229, Thomas B. Davis, Esq., Director, Policy & Legislation Division, Office of Miami-Dade Commission Auditor (OCA) (Voting Conflict Re: RER Request to Advertise for County-wide Multimodal Mobility Impact Fee Study- Project No. E17-RER-02-Revised)

Hello Mr. Davis,

We have reviewed your memorandum of September 28, 2018, prepared in connection with the Appointment of Selection Committee for Miami-Dade County Department of Regulatory and Economic Resources Request to Advertise for County-wide Multimodal Mobility Impact Fee Study- Project No. E17-RER-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 Myra Patino, Department of Regulatory and Economic Resources (RER), a technical advisor non-voting member of the selection committee, stated on her Neutrality/Disclosure form that she was previously employed by a respondent to the this project, Caltran Engineering Group, Inc. (Caltran), from November 2011 until February 2015. The memorandum also disclosed that Vinod Sandanasamy, RER, a technical advisor non-voting member of the selection committee, stated that Mark Woerner, a respondent on this project, was his immediate supervisor before Mr. Woerner's retirement sixteen months ago from Miami-Dade County.

This agency conducts reviews of these issues under Section 2-11.1(v) of the County Ethics Code, which governs voting conflicts by members of County advisory and quasi-judicial boards. We also consider whether there is an appearance of impropriety created and make recommendation based on R-449-14 and Ethics Commission Rule of Procedure 2.1(b).

As to Ms. Patino: we have discussed with Ms. Patino her prior employment with Caltran. Her separation from the firm was amicable. Since her employment at RER she has worked on occasion with the firm. She is acquainted with persons at Caltran due to her prior employment with the firm and through her position at RER. She does not have any close personal friendships or current business relationships with anyone at Caltran or with the firm itself. She does not feel that her prior employment at Caltran would, in any way, affect her independent judgment about the firm's qualifications or suitability for this project.

There is no voting conflict for Ms. Patino under Section 2-11.1(v) since as technical advisor, she will not vote. See INQ 17-174. Additionally, the reverse two-year rule, under Section 2-11.1(x), which bars County employees from participating in

contract-related duties on behalf of the County with a former employer for a period of two years following termination of the employment relations would not apply as she stopped working for Caltran over 3 years ago. See INQ 17-174. Further, we do not find that there is any appearance of impropriety where Ms. Patino has no close personal friendships or current business relationships with anyone at Caltran or with the firm itself that would affect her independence of judgement about the firm's qualifications or suitability for the project.

As to Mr. Sandanasamy: we has similarly discussed the fact that Mr. Woerner was his immediate supervisor prior to Mr. Woerner's retirement. Mr. Sandanasamy stated that he worked for Mr. Woerner for merely four months prior to Mr. Woerner's retirement. He indicated that he does not have any close personal friendship or business relationship with Mr. Woerner that would affect his independence of judgment about Mr. Woerner's qualification or suitability for the project.

There is similarly, no voting conflict for Mr. Sandanasamy under Section 2-11.1(v) since as technical advisor, he will not vote. See INQ 17-174. Additionally, we do not find that there is any appearance of impropriety where Mr. Sandanasamy has no close personal friendship or current business relationship with Mr. Woerner. As we have stated in prior ethics opinions, absent some other factor, the mere fact that one of the members of a selection committee has interactions with a respondent in connection with the members county duties would not, create an issue. See INQ 18-21, and INQ 18-47. We have spoken to Mr. Sandanasamy, who has expressed that he had only a professional relationship with Mr. Woerner and he believed that he can be completely fair and impartial in the selection process.

Therefore, in our opinion Ms. Patino and Mr. Sandanasamy should be permitted to serve as non-voting technical advisors on this selection committee.

Sincerely,

RADIA TURAY

Staff Attorney

Miami-Dade Commission on Ethics and Public Trust

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From: Johnson, Jannesha (OCA)

Sent: Friday, September 28, 2018 2:23 PM

To: Whiteside, Julie (ISD) <Julie.Whiteside@miamidade.gov>

Cc: Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>; Davis, Thomas (OCA) <Thomas.Davis@miamidade.gov>;

Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>

Subject: E17-RER-02

Good Afternoon –

This email is being sent on behalf of Thomas B. Davis, Director of Policy and Legislation.

Thanks.

Jannesha V. Johnson, MBA



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