

Sanchez, Rodzandra (COE)

From: Turay, Radia (COE)
Sent: Thursday, December 20, 2018 11:12 AM
To: Sanchez, Rodzandra (COE)
Cc: Diaz-Greco, Gilma M. (COE); Perez, Martha D. (COE)
Subject: FW: INQ 18-261, Julie Whiteside, A/E Consultant Selection Coordinator, Miami-Dade Internal Services Department (Voting Conflict 2-11.1(v); Appearance of Impropriety)
Attachments: PROS - E17-PROS-01 - Final.pdf; INQ 18-261 Davis (RTA Project No E17-PROS-01).pdf

From: Turay, Radia (COE)
Sent: Thursday, December 20, 2018 11:11 AM
To: Whiteside, Julie (ISD) <Julie.Whiteside@miamidade.gov>; Davis, Thomas (OCA) <Thomas.Davis@miamidade.gov>; Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>; Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>
Cc: Johnson, Jannesha (OCA) <Jannesha.Johnson@miamidade.gov>
Subject: INQ 18-261, Julie Whiteside, A/E Consultant Selection Coordinator, Miami-Dade Internal Services Department (Voting Conflict 2-11.1(v); Appearance of Impropriety)

Hello,

Thank-you for contacting the Miami-Dade Commission on Ethics and Public Trust, seeking our guidance in connection with the Appointment of Selection Committee for Miami-Dade Parks, Recreation and Open Spaces Department's Request to Advertise for PROS Continuing Services for Engineering and Design Related Professional Services under the Florida Department of Transportation Local Agency Program – Project No. E17-PROS-01. Please find our opinion regarding same attached.

Thanks,

RADIA TURAY


Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 350-0601
Fax: (305) 579-0273
Ethics.miamidade.gov

From: Johnson, Jannesha (OCA)
Sent: Friday, December 14, 2018 4:29 PM
To: Whiteside, Julie (ISD) <Julie.Whiteside@miamidade.gov>
Cc: Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>; Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: E17-PROS-01 - Background Investigations

Good Afternoon –

This email is being sent on behalf of Thomas B. Davis, Esq., Director of Policy and Legislation for the Office of the Commission Auditor.

Thanks.


Jannesha V. Johnson, MBA
Office of the Commission Auditor
111 NW 1 Street Suite 1030
Miami, Florida 33128
305-375-1466

From: Whiteside, Julie (ISD)
Sent: Monday, December 10, 2018 4:01 PM
To: Davis, Thomas (OCA) <Thomas.Davis@miamidade.gov>
Cc: Jackson, Cathy (AMS) <Cathy.Jackson@miamidade.gov>; Johnson, Jannesha (OCA) <Jannesha.Johnson@miamidade.gov>
Subject: E17-PROS-01 - Background Investigations

Good Afternoon Mr. Davis,

Please begin the background investigation process for the Competitive Selection Committee (CSC) for E17-PROS-01: Continuing Services for Engineering and Design Related Professional Services under Florida Department of Transportation (FDOT) Local Agency Program (LAP). Attached please find the CSC Appointment Memorandum, the List of Respondents, and neutrality affidavits and resumes for the CSC members. Please note that I will be replacing Jacqueline Carranza as the Non-Voting Chairperson for this project. For your reference, I have attached Ms. Carranza's email notification regarding the reassignment of this project.

Should you have any questions, please do not hesitate to contact me.

Thank you,

Julie B. Whiteside, A/E Consultant Selection Coordinator
Miami-Dade County Internal Services Department
111 NW 1st Street, 13th Floor, Miami, FL 33128
305-375-1559 Phone
www.miamidade.gov/internalservices

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All Lobbyists must register prior to any meeting with County Personnel. Register at: Clerk of the Board, 111 NW 1st Street, 17th Floor. Contact Person: Claude Francis at 305-375-5137.



**BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**

M E M O R A N D U M

TO: Julie Whiteside, Non-Voting Chairperson,
ISD Procurement Management

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

A handwritten signature in blue ink, reading "Thomas B. Davis", is written over the printed name of the Director of Policy and Legislation.

DATE: December 14, 2018

SUBJECT: Appointment of Selection Committee for Miami-Dade Parks, recreation and Open Spaces Department Request to Advertise for PROS Continuing Services for Engineering and Design Related Professional Services Under the Florida Department of Transportation Local Agency Program – Project No. E17-PROS-01

Pursuant to Resolution No. R-449-14 dated May 6, 2014, the Office of Commission Auditor (OCA) is directed to conduct background checks on members serving on evaluation or selection committees.

Issue: Lissette Martinez stated on her Neutrality / Disclosure form she was employed by Milton C. Harry and Associates from 1980-1982. Milton C. Harry is a respondent on this request.

The results of the background check will be submitted to the Internal Services Department or other County department(s) overseeing and administering the competitive procurement process as well as the Commission on Ethics, if applicable.

The voting members of the selection committee are:

- Mark Heinicke, Parks, Recreation and Open Spaces Department
- Angel Trujillo, Parks, Recreation and Open Spaces Department
- Ileana Quintana, Water and Sewer Department
- Mark Dorsey, Department of Regulatory and Economic Resources
- Lissette Martinez, Public Housing and Community Development (Alternate)
- Tyrone Browne, Miami-Dade Aviation Department (Alternate)

The non-voting members of the selection committee are:

- Julie Whiteside, Internal Services Department, Non-Voting Chairperson

Findings: Pursuant to Resolution No. R-449-14, OCA completed the required background research other than “**Issues**” noting no adverse findings for the voting and non-voting selection committee members.

cc: Namita Uppal, Chief Procurement Officer, ISD
Jose Arroyo, Executive Director, Commission on Ethics and Public Trust
Radia Turay, Staff Attorney, Commission on Ethics and Public Trust



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

19 West Flagler Street, Suite 820 □ Miami, Florida 33130

Phone: (305) 579-2594 □ Facsimile: (305) 579-0273

Website: ethics.miamidade.gov

MEMORANDUM

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

Julie Whiteside, Non-Voting Chairperson,
ISD Procurement Management

FROM: Radia Turay, Staff Attorney
Commission on Ethics

SUBJECT: INQ 18-261, [Voting Conflict of Interest § 2-11.1(v)]

DATE: December 20, 2018

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transaction.

Facts: We have reviewed your memorandum dated December 14, 2018, prepared in connection with the Appointment of Selection Committee for Miami-Dade Parks, Recreation and Open Spaces Department's Request to Advertise for PROS Continuing Services for Engineering and Design Related Professional Services under the Florida Department of Transportation Local Agency Program – Project No. E17-PROS-01. 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 noted that a voting member appointed to the selection committee made disclosures on her neutrality/disclosure form that merited submission to the Commission on Ethics for an opinion. Lissette Martinez stated on neutrality/disclosure form that she was employed by Milton C. Harry and Associates from 1980-1982. Milton C. Harry and Associates is a respondent on this request.

We discussed this matter with Ms. Martinez. She indicated that the termination of her employment from Milton C. Harry and Associates was amicable in 1982. She has no current business, or other professional relationship with the company. She does not have any business, professional, social or other relationship with any current employee at the company. She also feels that she can be completely fair and objective in assessing the qualification of the competing firms.

Discussion: 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).

Specifically, Section 2-11.1(v) of the County Ethics Code states that no quasi-judicial personnel or advisory personnel shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary' or (ii) stock holder, bondholder, debtor or creditor.

It does not appear that Ms. Martinez has a voting conflict of interest under Section (v) of the County Ethics Code because she will not be directly affected by the vote and she does not have any of the enumerated relationships with an entity affected by the vote. See INQ 17-192.

As noted above, due to the sensitivity of the procurement process and the need to sustain public confidence in it, this agency also opines concerning whether there may be an appearance of impropriety in a given situation that would justify the removal of a member of an appointed selection committee. See Section 2-1067, Miami-Dade County Code, and 2.1(b) of the COE Rules of Procedure.

As Ms. Martinez's employment with Milton C. Harry and Associates ended over 30 years ago on an amicable basis, and she has no business, professional, or social relationship with any current employee of the entity, it is our opinion that her prior employment there would not create any appearance of impropriety or in any way detract from the County's conducting a fair and objective evaluation for this project. See INQ 17-192.

Opinion: Consequently, at this juncture, it does not appear that Ms. Martinez has a voting conflict of interest under Section (v) of the County Ethics Code, and her prior employment at Milton C. Harry and Associates over 30 years ago would not create any appearance of impropriety that would merit her removal from this selection committee.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.