

Via First Class Mail  
and e-mail at [dr.prieto@piedroba.com](mailto:dr.prieto@piedroba.com)

February 10, 2011

**ETHICS COMMISSIONERS**

Kerry E. Rosenthal, CHAIRPERSON  
Dawn E. Addy, VICE CHAIRPERSON  
Charlton Copeland  
Judge Seymour Gelber  
Nelson Bellido

ROBERT A. MEYERS  
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI  
ADVOCATE

ARDYTH WALKER  
STAFF GENERAL COUNSEL

Luis A Prieto-Porter, Ph.D.  
Piedroba Marine Construction, LLC  
3250 Grand Ave., Suite 201  
Miami, FL 33133

Re: INQ 11-20, Restrictions on doing business as a subcontractor with a prime contractor who has a contract with Miami-Dade County

Dear Dr. Prieto-Porter:

In a letter to our office on February 1, 2011, you asked about potential ethics conflicts that may be created by your service on the Miami-Dade County Environmental Quality Control Board (EQCB) and your ownership interest and management position with Piedroba Marine Construction, LLC. Piedroba Marine Construction is also owned by immediate family members, including your son, Luis A. Prieto y Munoz, and his mother, Concepcion Munoz.

You stated that Piedroba Marine Construction will be providing environmental engineering services as a subcontractor to a prime contractor who has been hired by the Seaport of Miami-Dade County. We understand that DERM is a regulatory agency that does not hire construction contractors.


Your duties with the EQCB are to hear appeals of decisions made by DERM and to hear all applications to DERM for variances and extensions of time.

Several areas of the Miami-Dade County Ethics Code apply in your circumstances:

- Secs. 2-11.1 (c)(3) and (d) prohibit Piedroba Marine Construction from entering into any contracts *directly* with the EQCB or with DERM, in the unlikely event that these entities were to hire contractors.
- Sec. 2-11.1 (m)(3) prohibits you from appearing before the EQCB on behalf of Piedroba Marine Construction "either directly or through an associate" to make a presentation on behalf of Piedroba Marine Construction with respect to any "license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit." Nor are you allowed to receive compensation, directly or indirectly or in any form, for services rendered to Piedroba Marine Construction if the company were to seek some benefit from the EQCB.
- Sec. 2-11.1 (v) prohibits you from voting on any matter involving Piedroba Marine Construction that comes before the EQCB if you maintain your ownership interest or your management position with the company and you would be directly affected by the action of the EQCB.

Thank you for your service on the EQCB. If you have further questions regarding these matters, please feel free to contact me.

Sincerely,

  
VICTORIA FRIGO  
Staff Attorney