

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Tuesday, February 05, 2013 2:46 PM
To: 'Kira Grossman'
Cc: Centorino, Joseph (COE)
Subject: ADA Engineering and MPA (INQ 13-15)

Ms. Grossman,

The Ethics Commission staff is unable to opine at this time that the County Ethics Code permits ADA Engineering, Inc., to be named as a subcontractor to a prime contractor that is seeking to do business with the Miami Parking Authority (MPA).

Alejandra Argudin is the Chief Operations Officer at the MPA, and her spouse, Albert Argudin, is an employee of ADA Engineering. ADA Engineering is owned by Alejandra's mother- and father-in-law, the parents of her spouse, Albert Argudin.

Due to the ambiguities inherent in Albert Argudin's relationship with ADA Engineering and the high level of responsibility Alejandra Argudin has at the MPA, several questions need to be more fully examined by staff. Ultimately, in order to resolve this perplexing issue, a final determination will have to be made by the Miami-Dade Ethics Commission at a public meeting.

In general, the County Code at Sec. 2-11.1 (d) and the City of Miami Code at Sec. 2-612 prohibit municipal employees from contracting with the city or any of its agencies, directly or indirectly, through a business. The intent of these ordinances is to obtain the best value for the city and, at the same time, prevent insiders from profiting to the detriment of other bidders without close relationships to the city.

We understand that ADA Engineering intends to work as a subcontractor and will not be contracting directly with the MPA. However, Alejandra and Albert Argudin would be in a position to benefit from this contract. When Alejandra Argudin has significant oversight over the MPA operation, a strong appearance of impropriety is created based on her responsibilities at the MPA and Albert Argudin's familial relationship to ADA Engineering.

Although the County Ethics Commission does not opine on state law, we direct you to Fla. Stat. 122.313(7)(2012), which further prohibits certain contractual relationships if a continuing or frequently recurring conflict would impede the full and faithful discharge of public duties.

If you would like us to examine this matter further and bring the issue before the Miami-Dade Ethics Commission at a public meeting, please feel free to contact me. A final determination could be provided within 30 to 60 days.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY

Phone: 305 350-0601

Fax: 305 579-0273



19 West Flagler St., Suite 820
Miami, FL 33130

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From: Kira Grossman [<mailto:kgrossman@miamiparking.com>]
Sent: Friday, February 01, 2013 11:09 AM
To: Frigo, Victoria (COE)
Subject: RE: Code J

Victoria,

No he does not have any ownership interest.

Thank you,

Kira Grossman, Esq.
Miami Parking Authority

40 N.W. 3rd Street
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Miami, FL 33128
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From: Frigo, Victoria (COE) [<mailto:FRIGOV@miamidade.gov>]
Sent: Thursday, January 31, 2013 3:05 PM
To: Kira Grossman
Subject: RE: Code J

Kira,

One more question: Does Albert Argudin have *an ownership interest* in ADA Engineering, Inc.? And if so, what *percentage* of the ownership?

Thanks,

VICTORIA FRIGO, STAFF ATTORNEY

Phone: 305 350-0601
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From: Kira Grossman [<mailto:kgrossman@miamiparking.com>]
Sent: Tuesday, January 29, 2013 4:55 PM
To: Frigo, Victoria (COE)
Subject: RE: Code J

Mrs. Frigo,

The employee is the Miami Parking Authority COO, Alejandra Argudin. Mrs. Argudin oversees all facets of Authority operations, including parking enforcement; lot and garage operations, signpost and meter installation; meter collection and maintenance; and facility maintenance. She joined MPA in September 2006 as Chief Development Officer and was named the Chief Operations Officer in September 2011.

Her spouses name is Albert Argudin and he works for ADA Engineering, Inc., which is his parents corporation. The Prime is RH Engineering, whose Principal is Robert Hernandez.

I have attached a copy of the RFQ that is the basis of the request for this opinion. Essentially speaking we submit an RFQ out every few years to be able to select a pool of contractors and specialists in various industries so that we can solicit their services without having to resubmit contractor/specialist bids along with project proposals each time a project is presented to the Board.

Additionally, please note that I'm am looking for an opinion that would cover any agreement that might include his parents company as a subcontractor not just in this specific instance. At no point in time will Mrs. Argudin be a voting member of the MPA Board so long as she is an employee of MPA. Therefore, she will not have control or influence over any of the Board votes regarding approval or rejection of any proposal or contractor and any of their respective subcontractors, depending on the nature of the project proposal.

If I can provide any other additional information that might assist you or your office in finalizing an opinion on this matter please do not hesitate to ask. Thank you in advance for your time and assistance on this matter.

Regards,

Kira Grossman, Esq.
Miami Parking Authority

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From: Frigo, Victoria (COE) [<mailto:FRIGOV@miamidade.gov>]
Sent: Tuesday, January 29, 2013 3:02 PM
To: Kira Grossman
Subject: RE: Code J

Kira,
Just to make it a little clearer, can you give me the name of the employee and her title, with a brief description of her duties? Can you also give me the name of the subcontracting firm as well as the name of the prime? Finally, and briefly, what is the general nature of the contract they will be bidding on?

Thanks,

VICTORIA FRIGO, STAFF ATTORNEY
Phone: 305 350-0601
Fax: 305 579-0273



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Miami, FL 33130

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From: Kira Grossman [<mailto:kgrossman@miamiparking.com>]
Sent: Tuesday, January 29, 2013 2:57 PM
To: Frigo, Victoria (COE)
Subject: FW: Code J

Mrs. Frigo,

It was a pleasure speaking with you, below is the original email I submitted. Any assistance you could provide regarding this matter would be greatly appreciated. Thank you so much for your time.

Regards,

Kira Grossman, Esq.
Miami Parking Authority

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From: Kira Grossman
Sent: Monday, January 28, 2013 4:40 PM
To: 'ethics@miamidade.gov'
Subject: Code J

We currently have an Request for Qualifications ("RFQ") out for architectural and engineering services. A company would like to include a subcontractor in their proposal that happens to be owned by the family of one of our employees spouses. The employee does not have voting control over the RFQ submissions nor Board voting power, which is ultimately how the selection is formerly approved. Would it be a conflict if the firm was chosen and the company listed as a subcontractor was owned by the spouses family?

All construction projects are approved by the Board which the employee is not a voting member of. All decisions regarding a construction project do not fall under the control or prevue of this employee.

Please advise.

Kira Grossman, Esq.
Miami Parking Authority

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