

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Tuesday, September 24, 2013 2:55 PM  
**To:** Chavez, Michael (ISD)  
**Cc:** Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)  
**Subject:** Board Member of NAESAI (INQ 13-236)

Mr. Chavez,

Based on the facts you presented, your voluntary, nonpaid board service on the Board of Directors of the National Association of Elevator Safety Authorities International (NAESAI) does not create a conflict of interest for you under the Miami-Dade County Ethics Code.

NAESAI is a nonprofit 501(c)(6) entity and one of three national organizations that provides instruction and testing to certify elevator inspectors. Most County employees in the Office of Elevator Safety have been certified by NAESAI. As a board member, you would provide oversight to NAESAI related to fulfilling its mission, but you would not be involved with its day-to-day operations or routine interactions with candidates for licenses.

Because voluntary, nonpaid board service with a nonprofit entity is generally not considered "outside employment" as defined in the Miami-Dade County Code at Sec. 2-11, your board service is not subject to the prohibition against conflicting employment found in the County Ethics Code at Sec. 2-11.1 (j).

Nevertheless, you have agreed that you would recuse yourself from any matters coming before the NAESAI board that might conflict with your duties to the County. For example you would not sit on a NAESAI committee to hear a complaint against a County employee. (This would also be prohibited under NAESAI's ethics policy.)

If you have additional questions during your service on the NAESAI board, please feel free to contact me.

Sincerely,

**VICTORIA FRIGO, SENIOR STAFF ATTORNEY**

Direct Phone: 305 350-0601  
Main Number: 305 579-2594  
Fax: 305 579-0273



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

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-----Original Message-----

**From:** Robertson, Thomas (CAO)  
**Sent:** Monday, September 23, 2013 2:00 PM  
**To:** Chavez, Michael (ISD)  
**Cc:** Centorino, Joseph (COE)  
**Subject:** RE: Board of Directors - National Association of Elevator Safety Authorities International (NAESAI)

I don't see any conflict, but we are not supposed to give conflict opinions. You need to contact the commission on ethics. I have included Joe Centorino on this e-mail.

Tom Robertson  
Asst. County Atty.  
(305) 375-1669

-----Original Message-----

From: Chavez, Michael (ISD)  
Sent: Monday, September 23, 2013 1:55 PM  
To: Robertson, Thomas (CAO)  
Subject: RE: Board of Directors - National Association of Elevator Safety Authorities International (NAESAI)

NAESAI is a private non-profit association of inspectors and other stakeholders, and is the entity that issues credentials to individual members certifying that they are qualified as elevator inspectors, after having had their curriculum -vitae properly evaluated, and having passed an extensive written examination of their knowledge of the elevator codes, electrical codes, and other safety standards applicable to the elevator industry. They continue to certify the individual, and require that person satisfactorily pass a written re-certification examination annually. There are three such entities within the US who issue such credentials, NAESAI being the oldest and largest of the three.

Their website is located at the following: <https://www.naesai.org/>

Their Board of Directors is comprised of a certain percentage of private inspectors, and another percentage of inspectors from the government sector. The Board member does not represent their employer, but they are there because of their employment association. If I retired from the County, if I were I elected I would have to resign my position with the board as I would no longer be an AHJ member, unless I went to work for another AHJ like Miami Beach as an example. My leaving the Board does not automatically entitle Miami-Dade County to a seat on the Board, but anyone with an AHJ may run for that vacant seat. However, there can only be one board member per organization. It would be somewhat akin to the Bar Association Board of Directors, if they were required to have a certain percentage of membership from governmental agencies, certain percentage from corporate law firms, and a certain percentage of private practitioners.

Michael A. Chavez  
Manager, Chief Elevator Inspector - Office of Elevator Safety Miami-Dade County; Internal Services  
Department/FUMD 201 West Flagler Street Miami, FL 33130-1510  
Ph: 305-375-1577; Fax: 305-372-6367

Our Mission: Safety is the last word in our name but is first in our actions, and is the core of what we do.

Please note a new link to our web page:

<http://www.miamidade.gov/internalservices/elevators.asp>

Please note a new direct link to our Public Access Page:

<http://www.miamidade.gov/ets/PUBLIC/VIEWSEARCH.ASPX>

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-----Original Message-----

From: Robertson, Thomas (CAO)  
Sent: Monday, September 23, 2013 1:32 PM  
To: Chavez, Michael (ISD)  
Subject: RE: Board of Directors - National Association of Elevator Safety Authorities International (NAESAI)

Mike,

Fill me in a little on what NAESAI does and is.

Tom Robertson  
Asst. County Atty.  
(305) 375-1669

-----Original Message-----

From: Chavez, Michael (ISD)  
Sent: Monday, September 23, 2013 1:12 PM  
To: Robertson, Thomas (CAO)  
Subject: FW: Board of Directors - National Association of Elevator Safety Authorities International (NAESAI)

Tom,

Is this something you can advise me on, or do I have to get an opinion from the Ethics Commission? Perhaps I didn't make myself clear enough to Lee. But, he wants an opinion.

Michael A. Chavez  
Manager, Chief Elevator Inspector - Office of Elevator Safety Miami-Dade County; Internal Services Department/FUMD 201 West Flagler Street Miami, FL 33130-1510  
Ph: 305-375-1577; Fax: 305-372-6367

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-----Original Message-----

From: Chavez, Michael (ISD)  
Sent: Monday, September 23, 2013 1:04 PM  
To: Salomon, Leland (ISD)  
Cc: Cabrera, Aimee (ISD)  
Subject: Re: Board of Directors - National Association of Elevator Safety Authorities International (NAESAI)

OK.

----- Original Message -----

From: Salomon, Leland (ISD)  
Sent: Monday, September 23, 2013 12:35 PM Eastern Standard Time  
To: Chavez, Michael (ISD)  
Cc: Cabrera, Aimee (ISD)  
Subject: RE: Board of Directors - National Association of Elevator Safety Authorities International (NAESAI)

My opinion is that you're either representing the County or Mike Chavez as a private person. I'd get an opinion.

Leland S. Salomon  
Assistant Director  
Internal Services Department  
Real Estate Development, Facilities and Utilities Management Fleet Management Miami-Dade County  
111 NW 1st Street, Suite 2130  
Miami, FL 33128

Tel: 305-375-4421 Fax: 305-372-6084 email: LSALOM@miamidade.gov

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-----Original Message-----

From: Chavez, Michael (ISD)  
Sent: Monday, September 23, 2013 12:23 PM

To: Salomon, Leland (ISD)  
Cc: Cabrera, Aimee (ISD)  
Subject: RE: Board of Directors - National Association of Elevator Safety Authorities International (NAESAI)

I wouldn't be representing the County necessarily. Their by-laws require that their Board of Directors be fairly represented, so that isn't too heavily made up of one group of members (private vs. AHJ members). I would not be representing the County per se, but only as a government employee class of member, if that makes sense. Obviously, I always represent the interests of the County, even if unofficially, when I am at these functions.

It would similar to the Board of Realtors not wanting their board to be too heavily represented by commercial realtors vs. residential realtors., if they make that sort of a distinction.

But I am fine if Lester can weigh in with his opinion, and will of course abide by your wishes.

Michael A. Chavez  
Manager, Chief Elevator Inspector - Office of Elevator Safety Miami-Dade County; Internal Services  
Department/FUMD 201West Flagler Street Miami, FL 33130-1510  
Ph: 305-375-1577; Fax: 305-372-6367

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-----Original Message-----

From: Salomon, Leland (ISD)  
Sent: Monday, September 23, 2013 11:31 AM  
To: Chavez, Michael (ISD)  
Cc: Cabrera, Aimee (ISD)  
Subject: RE: Board of Directors - National Association of Elevator Safety Authorities International (NAESAI)

Mike, I'm OK with this. My only question is to whether Jerry or I have the authority to authorize you to represent the County in an official capacity. I am, by copy, asking Aimee to check if the is OK with Lester. Lee

Leland S. Salomon  
Assistant Director  
Internal Services Department  
Real Estate Development, Facilities and Utilities Management Fleet Management Miami-Dade County  
111 NW 1st Street, Suite 2130  
Miami, FL 33128

Tel: 305-375-4421 Fax: 305-372-6084 email: LSALOM@miamidade.gov

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-----Original Message-----

From: Chavez, Michael (ISD)  
Sent: Monday, September 23, 2013 11:17 AM  
To: Salomon, Leland (ISD)  
Subject: Board of Directors - National Association of Elevator Safety Authorities International (NAESAI)

Lee,

It was suggested to me by the managing Director of NAESAI, and by the President of NAESAI, that I should consider placing my name in consideration for election to the Board of Directors as an Authority Having Jurisdiction member. The makeup of the Board is a mixture of private inspectors, and AHJs. This is a non-paying position, and is the Credentialing entity that certifies most of our inspectors, as well as most of the elevator inspectors and safety authorities throughout the US, and the Caribbean. If you want more on the organization, I can send you a link to their website.

As you can see, Jerry has no problem with it, but I also wanted to run it past you. Unless you have an objection, I am formally submitting my name for consideration.

Michael A. Chavez  
Manager, Chief Elevator Inspector - Office of Elevator Safety Miami-Dade County; Internal Services Department/FUMD 201 West Flagler Street Miami, FL 33130-1510  
Ph: 305-375-1577; Fax: 305-372-6367

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-----Original Message-----

From: Hall, Jerry (ISD)  
Sent: Monday, September 23, 2013 7:58 AM  
To: Chavez, Michael (ISD)  
Subject: Re: You still on Jury duty?

Mike, I found out Friday morning that my father passed away. I dropped out of the trial and have been out since then. I expect to be out this entire week, as I have to do a number things to settle his affairs and move from his apartment by the end of the month. And I were very close, so I'm also finding it very difficult right now.

The NAESA appointment sounds like a nice honor. Unless you see it as too substantial a time burden, or a huge financial expense, I would think it is in our best interest for you to participate. If you feel it requires more managerial feedback, let me know your concerns via email, or just get with Leland yourself. Otherwise I think it is probably fine for you to accept.

Sent from my iPhone

> On Sep 23, 2013, at 7:32 AM, "Chavez, Michael (ISD)" <CHAVEZ@miamidade.gov> wrote:

>

> If not, I need about 15 minutes of your time sometime this AM to talk about Board position with NAESA.