

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Monday, October 07, 2013 3:49 PM  
**To:** 'alice.bravo@live.com'  
**Cc:** Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)  
**Subject:** Contracting with the city INQ 13-242

Ms. Bravo,

The ethics codes of the City of Miami and Miami-Dade County do not prohibit Stantec Consulting Engineering, a publicly traded corporation, from contracting with the City of Miami even though Stantec employs your spouse, Walfrido Pevida, as a “Senior Principal.”

You stated that Mr. Pevida’s identification on the corporate website as a “Senior Principal” does not indicate that he has an ownership interest in Stantec. Rather, you affirmed that your spouse is a salaried employee with no ownership of stock in the company whatsoever.

The City of Miami Ethics Code at Sec. 2-612 (a) only prohibits you and/or your spouse from contracting with the city through a company if you have a controlling financial interest in the company. *See also* City of Miami Attorney Opinion MIA 05-05. The County Ethics Code at Sec. 2-11.1 (b)(8) defines a controlling financial interest as ownership, directly or indirectly, of 10% or more of the outstanding capital stock.

Because your spouse has no ownership interest in Stantec, the firm is allowed to contract directly with the city. However, as an Assistant City Manager, you are encouraged to remove yourself from all matters associated with the Stantec Consulting Engineering contract.

Specifically, as per the County Ethics Code at Sec. 2-11.1 (c)(2)—you should be able discharge your public duties fully and faithfully without interference from the contract; you should not participate in determining the subject contract awards or awarding the contract; and your job responsibilities and job description should not require you to be involved with the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination, or forbearance.

A previous opinion given to you in 2010, in which your husband was the owner of a company contracting with the city, is no longer applicable because your husband has sold his interest in that company and has accepted a salaried position with Stantec. *See* INQ 10-163.

If you have additional questions, please feel free to call me or my colleague, Gilma Diaz-Greco, Staff Attorney.

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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**From:** Alice Bravo [<mailto:alice.bravo@live.com>]

**Sent:** Tuesday, October 01, 2013 5:37 PM

**To:** Frigo, Victoria (COE)

**Subject:** Fwd: Ethics Opinion regarding Ms. Bravo (City employee) and her husband's company (consultant for the City) (INQ 10-163)

Dear Ms. Frigo,

Below, I have included an opinion you previously provided me with regard to a conflict of interest issue. My title at the city has changed, I am now Assistant City Manager. Additionally, the firm my husband works for was sold to a larger company and he is no longer an owner - he is a standard salaried employee. I would like to know if the new company, Stantec Consulting Engineering would be allowed to contract directly with the city. Please feel free to contact me on my cell at 305-458-7541.

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Subject: Ethics Opinion related to your husband's company (INQ 10-163)

Date: Wed, 15 Sep 2010 16:00:06 -0400

From: [FRIGOV@miamidade.gov](mailto:FRIGOV@miamidade.gov)

To: [alice.bravo@live.com](mailto:alice.bravo@live.com)

CC: [gdotson@miamigov.com](mailto:gdotson@miamigov.com)

Ms. Bravo:

This is in response to your inquiry about ethics issues related to your recent employment as the City of Miami's Director of the Capital Improvements Program (CIP) and City vendors with whom your husband, Walfrido Pevida, has business associations.

#### FACTS

- **C3TS:** You stated that the City of Miami has a contract with Corzo Castella Carballo Thompson Salman, PA (C3TS), an architectural/engineering firm that your husband partially owns and for whom he serves as a director. The C3TS contract was entered into prior to your employment at the City of Miami in approximately May 2010.

Since your arrival at the CIP, you have avoided all involvement in administering the C3TS contract, specifically by directing your staff to bring any issues regarding the contract to your direct supervisor, the Assistant City Manager.

- **Subcontractor:** You further stated that your husband serves as a subcontractor to a City vendor with a current City contract, but that you did not know the name of the City vendor/prime contractor.

#### CITY OF MIAMI CODE

- **Sec. 2-612 of the City of Miami Ethics Code prohibits City employees and their immediate family members from contracting with the City.** Any contract entered into in violation of this ordinance renders the contract voidable.

- Sec. 2-614 of the City Code provides for a waiver of this prohibition by an affirmative vote of four-fifths of the members of the City Commission at a public hearing.

## ETHICS OPINION

Regarding the current contract with C3TS, the transaction is allowed because your employment with the City occurred after the contract was entered into. However, renewals of the current C3TS contract and new contracts with C3TS are not allowed under the City Code unless you receive a waiver from the City Commission.

Regarding contracts in which your husband or your husband's company serves as a subcontractor, no ethics conflicts are created because your husband and/or his company are not contracting with the City directly, but with a City vendor.

We encourage you to maintain the procedures you have already established to avoid the appearance of impropriety by removing yourself from any matters associated with the current C3TS contract. Additionally, we encourage you to identify the prime contractors with whom your husband subcontracts in order to create a similar distance in administering City contracts with them.

Finally, please be advised that your immediate family members may not be parties to any future contracts with the City unless you receive a waiver from the City Commission.

If you have further questions, feel free to call me or Assistant City Attorney Gail Dotson at 305 416-1851.

Sincerely,

Victoria Frigo, Staff Attorney

Miami-Dade County Commission on Ethics

Direct Phone: 305 350-0601

Fax: 305 579-0273



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Miami, FL 33130

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