
From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, November 03, 2015 11:34 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: Kevin Greiner, City of South Miami planning Board member (conflict of interest)
INQ 15-249

INQ 15-249 Greiner

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, November 03, 2015 11:33 AM
To: 'ktgreiner@gmail.com'
Cc: Pepe, Thomas F. (TPepe@southmiamifl.gov); Centorino, Joseph (COE); Perez, Martha D. (COE)
Subject: Kevin Greiner, City of South Miami planning Board member (conflict of interest) INQ 15-249

Dear Mr. Greiner:

It was a pleasure speaking with you over the phone. You inquired about possible conflicts of interest involving your service on the City of South Miami Planning Board at the same time that the organization that employs you as a consultant would to seek to contract with the City of South Miami.

As background, you are a planning consultant and Senior Fellow at the Metropolitan Center (MC) at FIU. MC regularly provides advisory services to local governments, including a range of planning and economic development consulting services. You are not a full-time employee of MC, but engaged on a project-by-project basis as a sub consultant.

MC is not prohibited from contracting with the Planning and Zoning board on which you serve because, as a subcontractor for MC, you have no financial interest in that entity. (City of South Miami Ethics Code at Sec. 8A-1 (d).) A financial interest is defined as 10% or more. (City of South Miami Ethics Code at Sec. 8A-1 (b)(8).) However, under the City of South Miami Ethics Code at Sec. 8A-1 (f), you would be required to file a sworn statement with the clerk of the city disclosing your employment with MC and lack of a financial interest in that entity.

Additionally, under Sec. 8A-1 (h), you cannot disclose confidential information to MC that you may receive as a result of your board service.

Pursuant to Sec. 8A-1 (l)(2), you may not appear before any city agency or board on behalf of MC.

Finally, under the County Code at Sec. 2-11.1 (v), you may not vote on any matters affecting MC if you would be directly affected by the vote.

After our conversation on this matter, you advised that in order to avoid any appearance of impropriety, you would not pursue having MC seek to contract with the City of South Miami.

Please contact us if you have any further questions.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
gdiazgr@miamidade.gov
www.facebook.com/MiamiDadeEthics

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From: Pepe, Thomas F. [<mailto:TPepe@southmiamifl.gov>]
Sent: Friday, September 25, 2015 2:28 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: Ethical Question FW: City of South Miami - Conflict of Interest

Can you provide an ethics opinion that has been requested, below, by one of our planning board members?

Very truly yours,

Thomas F. Pepe

City Attorney
City of South Miami
1450 Madruga Avenue, Ste 202,
Coral Gables, Florida 33146
Tel: (305) 667-2564
Fax: (305) 341-0584
E-mail: tpepe@southmiamifl.gov

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From: Kevin Greiner [<mailto:ktgreiner@gmail.com>]
Sent: Friday, September 25, 2015 11:55 AM
To: Pepe, Thomas F. <TPepe@southmiamifl.gov>
Subject: City of South Miami - Conflict of Interest

Tom,

I'm reviewing Sec. 8A-1 of the City code, and am formally requesting an opinion.

I'm a planning consultant and Senior Fellow at the Metropolitan Center at FIU. The Metropolitan Center regularly provide advisory services to local governments, including a range of planning and economic development consulting services.

I'm having trouble understanding a few of the provisions of Sec. 8-1 regarding conflict of interest, and want to be clear on a couple of issues:

First, since I am a research fellow at the FIU Metropolitan Center, is the Center forbidden from bidding on, or performing work for the City, even if I am not involved? Formally, I'm not a full-time employee of the Center, but engaged on a project-by-project basis as a subconsultant.

Second, if the Center can perform work for the City, and I am not part of that particular project team, and not involved in a project for the City, what reporting requirements do I have, if any?

Third, I had assumed that it was completely forbidden for a City Board member to be engaged in consulting work for the City. However, I see that there are conditions under which a Board member can perform consulting work for the City. Is that correct, and if so, what specifically are the conditions under which a Planning Board member could perform consulting work for the City?

It's possible that the Center may want to apply for work in the future, and I wanted to understand completely the City's code provisions.

Thanks.

Kevin

Kevin Greiner
305-849-0488