

---

**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](mailto:gdiazgr@miamidade.gov)  
[www.facebook.com/MiamiDadeEthics](http://www.facebook.com/MiamiDadeEthics)

*Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.*

---

**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](mailto:tpepe@southmiamifl.gov)

ATTENTION: This e-mail may contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the addressee named above. If you are not the intended receiver, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone, call collect if outside of your area code and delete this e-mail. We will reimburse you for the cost of your long distance call. Thank you. Please also note: All e-mails to and from this e-mail site are kept as a public record. Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time pursuant to Florida Statutes, ch. 119.

---

**From:** Kevin Greiner [<mailto:ktgreiner@gmail.com>]  
**Sent:** Friday, September 25, 2015 11:55 AM  
**To:** Pepe, Thomas F. <[TPepe@southmiamifl.gov](mailto: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