
INQ 15- 285 Tovar

From: Diaz-Greco, Gilma M. (COE)

Sent: Tuesday, December 22, 2015 1:41 PM

To: Tovar, Jose R. (WASD)

Cc: Centorino, Joseph (COE); Perez, Martha D. (COE)

Subject: Jose Tovar, Environmental Resources Project Supervisor, WASD (Conflict of Interest) INQ 15- 285

Dear Mr. Tovar:

It was a pleasure speaking with you recently. You have inquired whether a prohibited conflict of interest would exist in the case where ATC Group Services contracts with the County; this company employs your brother; and you supervise ATC's projects.

As background, you are employed by Miami-Dade Public Works & Water and Sewer Department (WASD) as an Environmental Resources Project Supervisor. Part of your responsibilities include supervising Consultants hired as County vendors on a rotating list basis. This rotating list is administered by the Miami-Dade Public Work's and Waste Management Department (PWWM), not by WASD. A pending WASD project under your supervision has been assigned to ATC Group Services under this rotating list. ATC employs your brother and has designated him as the project manager for this County contract (Contract E12-PWWM-03).

You should not be involved in the administration, oversight or evaluation of any project that ATC is performing for WASD where your brother has been assigned as ATC's project manager for the following reasons:

- 1- Limitations on Contracting-Based on the sibling relationship, ATC, does not have a conflict under the County Ethics Code that would prevent that corporation from becoming a pre-approved County vendor. The County Ethics Code at Section 2-11.1 (c)(1) prohibits County employees and their immediate family members from transacting business with their own County departments. "Immediate family" is defined at Section 2-11.1 (b)(9) as "spouse, parents, and children" only. Brothers and sisters are not included as immediate family members. However, an appearance of impropriety would be created because your job responsibilities would require you to oversee administer, and evaluate the work your brother does under ATC's contract with the County. See INQ 08-71 and INQ 09-126
- 2- Exploitation of Official Position- Supervising your brother's work for ATC would likely interfere with the full and faithful discharge of your duties to the County, which is covered generally at Section 2-11.1 (g) of the Ethics Code, Exploitation of official position prohibited. See INQ 08-126
- 3- Miami-Dade County's Nepotism Policy- While the County's nepotism policy (which includes siblings) is not contained in the County Ethics Code, we note that supervising your brother's work under the ATC contract could be contrary to the County's nepotism policy which discourages placing relatives within another relative's chain of command, or maintaining relatives in close proximity in County departments. See Miami-Dade County Nepotism Policy (7/30/2007).

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: Tovar, Jose R. (WASD)
Sent: Monday, December 14, 2015 2:28 PM
To: Diaz-Greco, Gilma M. (COE)
Cc: Caveda, Ana T. (WASD)
Subject: RE: Clarification request

Thank you.

Jose Tovar, CHMP
Hazardous Materials Management Section
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Miami-Dade Water and Sewer Department
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Subject: RE: Clarification request

Dear Mr. Tovar:

I am receipt of your email. We are working on this and other opinions and will respond as soon as possible.

Best regards,

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Sent: Monday, December 14, 2015 2:26 PM
To: Diaz-Greco, Gilma M. (COE)
Cc: Caveda, Ana T. (WASD)
Subject: RE: Clarification request

Good afternoon Mrs. Diaz-Greco,
I'm following up on the e-mail below.
Have a great day.

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From: Tovar, Jose R. (WASD)
Sent: Wednesday, December 09, 2015 3:33 PM
To: Diaz-Greco, Gilma M. (COE)
Cc: Caveda, Ana T. (WASD)
Subject: Clarification request

Good afternoon Mrs. Diaz-Greco:
As per our phone conversation, please provide clarification for the issue below:

I make consultant assignment requests from the Miami-Dade Public Works & Waste Management Department (PWWM) on a regular basis and the PWWM assigns the next consultant on a rotation under contract (E12-PWWM-03). The Consultant (ATC Group Services, Inc.) is on the rotation list and has been assigned for various projects in the past. Presently they are assigned three projects. Assignment # 17 will be completed next week. The other two

are still pending. My brother has worked for ATC for over 10 years and has been promoted in the Department creating this issue.

I review and approve all consultant proposals and invoices; in addition, I manage all assigned projects including consultant times.

Do I simply request PWWM to not assign the consultant to me and provide me the next consultant in rotation?

Your assistance is greatly appreciated.

Thank you.

Jose Tovar, CHMP

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INQ 15-285 Tovar

From: Tovar, Jose R. (WASD)
Sent: Monday, January 04, 2016 9:43 AM
To: Romero, Elena (PWWM)
Cc: Caveda, Ana T. (WASD); Negahban, Sherry (WASD); Diaz-Greco, Gilma M. (COE); Centorino, Joseph (COE); Perez, Martha D. (COE); Lacau, Luis (PWWM)
Subject: RE: Jose Tovar, Environmental Resources Project Supervisor, WASD (Conflict of Interest) INQ 15- 285

Thank you.

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From: Romero, Elena (PWWM)
Sent: Monday, January 04, 2016 8:20 AM
To: Tovar, Jose R. (WASD)
Cc: Caveda, Ana T. (WASD); Negahban, Sherry (WASD); Diaz-Greco, Gilma M. (COE); Centorino, Joseph (COE); Perez, Martha D. (COE); Lacau, Luis (PWWM)
Subject: RE: Jose Tovar, Environmental Resources Project Supervisor, WASD (Conflict of Interest) INQ 15- 285

Jose,

To replace Assignment 20 please contact NV 5.

NV 5, Inc. (9.06)
14486 Commerce Way, Miami Lakes
Florida 33016
(305) 901-2049 – Phone
(305) 666-3069 – Fax
Steven E. Black, P.E.
Eric.Stern@NV5.com

For the new job below 3575 Lejeune Rd please contact Terracon.

Terracon Consultants, Inc. (9.06)

16200 NW 59th Avenue, Suite 106

Miami Lakes, Florida 33014

(305) 820-1997 – Phone

(786) 556-7259 – Cell

(305) 820-1998 – Fax

Hugo Soto, P.E.

hesoto@terracon.com

From: Romero, Elena (PWWM)

Sent: Monday, January 04, 2016 7:00 AM

To: Tovar, Jose R. (WASD) <TOVJ@miamidade.gov>

Cc: Caveda, Ana T. (WASD) <ACAVEDA@miamidade.gov>; Negahban, Sherry (WASD)

<Sherry.Negahban@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>; Centorino, Joseph

(COE) <CENTORI@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Lacau, Luis (PWWM)

<lzl@miamidade.gov>

Subject: RE: Jose Tovar, Environmental Resources Project Supervisor, WASD (Conflict of Interest) INQ 15- 285

Good morning Jose,

I hope you had a great New Year's ! I will cancel assignment 20 and reassign a new company and also provide another company for the work below.

Thank you,

Elena

From: Tovar, Jose R. (WASD)

Sent: Tuesday, December 22, 2015 3:25 PM

To: Romero, Elena (PWWM) <romi@miamidade.gov>

Cc: Caveda, Ana T. (WASD) <ACAVEDA@miamidade.gov>; Negahban, Sherry (WASD)

<Sherry.Negahban@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>; Centorino, Joseph

(COE) <CENTORI@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>

Subject: RE: Jose Tovar, Environmental Resources Project Supervisor, WASD (Conflict of Interest) INQ 15- 285

Good afternoon Elena,

Please see e-mail below.

Because at this time, I am the sole individual in the section responsible with the oversight of all asbestos projects please reassign ATC assignment 20 to the next available consultant (No work was performed under assignment 20). In addition,

I am going to request ATC to provide a final invoice for the work performed to date so I may close out ATC assignment 4RR. Please assign a new consultant for the following project:

Project Name: Lejeune Records Center Asbestos Abatement Monitoring
Location: 3575 S Lejeune Road
Category: 9.06 (asbestos)
Estimate: \$25,000.00

Should you have any questions please contact me.
Thank you.

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