
INQ 16-195 Siegel

From: Marlene Siegel [mailto:msiegel@bayharborislands.net]
Sent: Thursday, July 28, 2016 3:47 PM
To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: RE: INQ 16-195 Marlene Siegel, Town Clerk, Town of Surfside

Thank you. I appreciate your response.

Marlene M. Siegel
Town Clerk/Director of Code Compliance
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Tel: 305-866-6241
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msiegel@bayharborislands.net
www.bayharborislands.org

From: Centorino, Joseph (COE) [mailto:CENTORI@miamidade.gov]
Sent: Thursday, July 28, 2016 3:09 PM
To: Marlene Siegel
Cc: Turay, Radia (COE); Perez, Martha D. (COE); Diaz-Greco, Gilma M. (COE)
Subject: INQ 16-195 Marlene Siegel, Town Clerk, Town of Surfside

Ms. Siegel:

You have inquired, in your capacity as Town Clerk for the Town of Bay Harbor Islands regarding whether any prohibited conflict of interest would occur in the event that the company which employs your spouse, Johnson Engineering, should apply for any prospective contract that is bid by the Town. Johnson Engineering is a national company with over 100 employees, which is based in Fort Meyers and does business in various municipalities around the state. Your spouse is employed by Johnson Engineering as a planner. She is a salaried employee and has no managerial role in the company. She has no ownership interest in the company. Her role does not involve lobbying or government relations, and you do not anticipate that she would be appearing before the Council in connection with any company matter. In your position as Town Clerk, you are appointed by and report to the Town Council, which makes decisions on the award of contracts. However, you have no decision-making authority over the contracting process and no role in the supervision of contractors. The only connection you have to the process is the submission for publication of the advertisement for any Town bid, the content of which is prepared by Town staff.

Under the foregoing circumstances, I do not find that there would be a prohibition under the County Ethics Code for Johnson Engineering to participate in bidding on a Town contract. Neither you nor your spouse would have any ownership or financial interest in a contract award to Johnson Engineering. Section 2-11.1(d) would require that you or your spouse have a controlling financial interest in a firm in order to bar that firm from contracting with the

Town. However, in the event that Johnson Engineering should elect to apply for a contract with the Town, in order to avoid any appearance of impropriety, I would advise against your spouse becoming involved in representing the company in connection with any business dealings with the Town. You should also be careful to avoid any other situation where it could appear that you are, in any way, influencing any decision that could affect your spouse's company.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
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From: Marlene Siegel [<mailto:msiegel@bayharborislands.net>]
Sent: Tuesday, July 26, 2016 3:09 PM
To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>
Subject: RE: Opinion

Below are my answers in red.

Marlene M. Siegel
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From: Centorino, Joseph (COE) [<mailto:CENTORI@miamidade.gov>]
Sent: Tuesday, July 26, 2016 2:48 PM
To: Marlene Siegel
Subject: RE: Opinion

In addition, are you elected? To whom are you accountable in your position? **No, I'm not elected, I'm appointed by the Council.**

From: Centorino, Joseph (COE)
Sent: Tuesday, July 26, 2016 2:46 PM
To: 'Marlene Siegel' <msiegel@bayharborislands.net>
Subject: RE: Opinion

Ms. Siegel:

I would be happy to assist you on this issue, but I need a little more information:

Is your spouse considering a bid on a specific upcoming contract or is this just a general inquiry? If there is a specific contract involved, I would want some information about it. **No, this is a general inquiry at this point.**

Who decides the content of the advertisement on any given contract? Do you have any input into how a contract is advertised, including the content of the advertisement and the method of advertisement? **The advertisement is prepared by the Town Engineer or Assistant Manager. I don't have input on the content, the method of advertisement is the same for all, website and Newspaper.**

Do you handle any of the paperwork that is submitted in response to any advertised bid? **No**

Do you play any ministerial role in the bid process, e.g., certifying the bids, acknowledging the bids, opening the bids, announcing the winner, handling the paperwork etc.? **No, I don't handle the bids at all anymore. It's either the Town Engineer or Town Manager/Assistant.**

Do you answer questions from bidders? **No**

Is it likely that you may have input into any future bid in your capacity as Code Compliance Officer? **I don't believe so, engineering and town projects are not my area.**

Joseph M. Centorino

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From: Marlene Siegel [<mailto:msiegel@bayharborislands.net>]
Sent: Tuesday, July 26, 2016 11:16 AM

To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>

Subject: Opinion

Mr. Centorino, I'm writing to ask for your opinion on whether a plausible future action might be considered a conflict. As you know, I'm the Town Clerk for the Town of Bay Harbor Islands, my spouse is now working for an engineering firm. The Town occasionally puts out RFQ's for engineering services as a whole or for a specific project. In my position the only thing I do is send the advertisement of the request to the newspaper. The process involves a closed bid and is handled by the Town Manager's office or the Town Engineer. I have no vote or say on which company is selected and the Town Council ultimately makes a decision with the Town Manager's recommendation.

Would it be a conflict if my spouses' firm submits for any of these bids and is selected to perform services for the Town? Would it be a conflict if my spouse is directly involved in performing the requested services herself? Or, if other staff from the company is involved?

I await your advice since we wouldn't want to do anything that can be called into question.

Thank you.

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