

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, June 26, 2017 2:15 PM
To: Sanchez, Rodzandra (COE)
Subject: Joseph Lovermi, Construction Manager, ISD, Conflict of interest, Exploitation (g), INQ 17- 161

[INQ 17-161 Lovermi](#)

From: Perez, Martha D. (COE)
Sent: Monday, June 26, 2017 12:13 PM
To: Lovermi, Joseph (ISD) <JLOVER@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Joseph Lovermi, Construction Manager, ISD, Conflict of interest, Exploitation (g), INQ 17- 161

Good morning Mr. Lovermi,

You inquire whether there may be a conflict of interest under the County Ethics Code in connection with your oversight of a County WASD project which has been awarded to a personal friend of yours.

Background

You are a Construction Manager (CM) assigned to the Design and Construction Division of the County's Internal Services Department (ISD). As part of your duties, you have been assigned to oversee several projects at the Water & Sewer Department (WASD). The project in question deals with sewer and piping but you are not aware of the specifics. The County vendor for this estimated \$4 million dollar project is V-Engineering & Consulting Corp. (VECC). Mr. Felix Valdés is the owner and president of VECC and a personal friend of yours. You see each other frequently (for lunches and "happy hours") and have discussed the possibility of a future business venture. You do not know Mr. Valdés' responsibilities vis-a-vis this project except that he is the owner and president of the company. Your specific responsibilities for the project consist of managing the contract, reviewing RFI's and submittals, reviewing and recommending change orders, conducting site visits, meetings and field directives, reviewing and processing payment applications and, monitoring compliance with construction drawings and specifications. You are scheduled to begin your assignment today.

Analysis

While determining any potential conflict involved in your participation with the WASD project, we pay special attention to your duties and responsibilities in this project which include the oversight and management of the construction aspect of the project, including managing the contract with the County vendor to ensuring compliance with all aspects of its construction phase. You have expressed concern over the fact that the contract you are overseeing is with a County vendor who is a good personal friend whom you have discussed possible future business ventures. In assessing the private interests involved in any given activity, emphasis is given to the relationship between the County employee and the vendor. In this instance, you do not maintain a current employment, financial or business relationship with VECC, and your interest in the contract/project is limited to its successful oversight and management, thus your duties and responsibilities do not present a conflict of interest under the Ethics Code.

However, as in all County business transactions, where appearances of integrity and fairness become paramount, there is a need to conduct County business in a manner which will not create appearances of impropriety or favoritism. Section 2-11.1(g) of the County Ethics Code prohibits an employee from using his or her official position to

secure special privileges and/or exemptions for himself *or others*. Exploitation can take many forms, but often involves taking action or making decisions that specifically benefit oneself *or others*, or disclosing confidential information in order to benefit oneself *or others*. See Section 2-11.1(h), County Ethics Code; INQ 16-123.

Although there is no indication here of an exploitation of official position, notably you have great discretion over the VECC contract, prompting an appearance of impropriety situation based on your County responsibilities and your personal friendship with the owner/president of V-E. Therefore, under these circumstances, it is recommended that you discuss this matter with your supervisors to determine whether there are reasons to be concerned that might lead to a re-consideration of your duties or a delegation of your authority over this project to another Construction Manager.

This opinion is based on the facts as presented. If any of these facts change, kindly contact me.

Sincerely,

Martha D. Perez
Staff Attorney
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From: Lovermi, Joseph (ISD)
Sent: Wednesday, June 21, 2017 10:26 AM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Marrero, Asael (ISD) <ASAELM@miamidade.gov>; Contreras, Humberto (ISD) <hcontr@miamidade.gov>; Zuloaga, Francisco (ISD) <z254@miamidade.gov>; Brown, Patrick (ISD) <PBROWN@miamidade.gov>
Subject: Request Formal letter of Opinion from Ethics Commission
Importance: High

Good morning Mr. Centori,

I am formally requesting a written opinion from the Ethics Commission regarding a personal relationship with a former ISD employee. I have been assigned several projects with the WASD department in which the former ISD employee has been award approximately 4 million dollars of work. I will be overseeing this work in a construction manager capacity.

My work assignment is schedule to commence June 26, 2017. Please kindly advise.

Best regards,

Joseph Lovermi, Construction Manager
Miami-Dade County Internal Services Department
Design and Construction Services Division
111 NW 1st Street, Suite 2400
305-375-4976 Office
786-356-6214 Cell

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