

## **Sanchez, Rodzandra (COE)**

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Friday, August 25, 2017 9:12 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Neil R. Singh, Acting Commission Auditor, Miami-Dade County Commission (Financial Conflict of Interest, Voting Conflict, OCA - E15-WASD-19: INQ 17-214  
**Attachments:** OCA - E15-WASD-19.pdf

INQ 17-214 Singh

**From:** Centorino, Joseph (COE)  
**Sent:** Thursday, August 24, 2017 4:46 PM  
**To:** Singh, Neil R. (OCA) <Neil.Singh@miamidade.gov>  
**Cc:** Martinez, Angie (OCA) <Angie.Martinez@miamidade.gov>; Singer, Miriam (ISD) <SINGER@miamidade.gov>; Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>; Davis, Thomas (OCA) <Thomas.Davis@miamidade.gov>; Edwards, Phillip G. (OCA) <Phillip.Edwards@miamidade.gov>; Palmer, Donna S. (OCA) <Donna.Palmer@miamidade.gov>; Dowell, Byron (MDPR) <Byron.Dowell@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>  
**Subject:** INQ 17-214 Neil R. Singh, Acting Commission Auditor, Miami-Dade County Commission (Financial Conflict of Interest, Voting Conflict, OCA - E15-WASD-19)

Mr. Singh:

This is in response to your memo of August 23, 2017 in connection with the Appointment of the Selection Committee on Project No. E15-WASD-19. The memo was forwarded to this agency pursuant to BCC Resolution No. R-449-14, directing the Office of Commission Auditor to conduct background checks on members serving on evaluation/selection committees and to submit the results to the Miami-Dade Commission on Ethics (COE).

You have noted in your memo that one of the voting members appointed to the committee, Byron Dowell, Construction Manager II for the County Department of Parks, Recreation and Open Spaces (PROS), stated on his neutrality affidavit form that his brother-in-law is the owner and principal of Ambro, Inc. Ambro, Inc. is listed as the subconsultant for one of two responding prime contractors for this project. I have conferred with Mr. Dowell, who confirmed this information. Mr. Dowell also informed that he has no financial relationship with Ambro, Inc., nor with his brother-in-law (brother of his wife), nor does his wife have a financial relationship with either her brother or his company.

Under Section 2-11.1(n) of the County Ethics Code, Mr. Dowell would have a financial conflict of interest preventing his participation on this board if he or any member of his immediate family had a financial interest in a business that would be affected by the selection. Although Ambro, Inc. would clearly be affected by the committee's recommendation, the definition of "immediate family" under Section 2-11.1(b)(9) of the Code does not include in-laws, so this prohibition would not legally bar his participation on the committee. Mr. Dowell, as a member of a County advisory board, would have a voting conflict of interest under Section 2-11.1(v) of the Code, if he would be directly affected by the recommendation of the selection committee and had one of the enumerated relationships under that section with Ambro, Inc.. However, it appears from the information provided that Mr. Dowell would not be directly affected, and that he does not have any of the enumerated relationships required for there to be a voting conflict. Therefore, I have concluded that there is no prohibited voting conflict under the Code.

However, it is my recommendation that Mr. Dowell not serve on this board, due to the possible perception of a conflict of interest, given his familial relationship with the owner of a subconsultant for one of the two competing primes. The

County's Procurement Division has generally imposed stricter ethical standards on its employees and selection/evaluation committee members than those provided by law. The COE has opined on the existence of possible appearances of impropriety, by virtue of its mandate under its enabling ordinance to act as "guardian of the public trust," Section 2-1067, Miami-Dade County Code, as well as 2.1(b) of the COE Rules of Procedure, under which it may opine concerning an "appearance of impropriety."

It should be noted that this does not, in any way, reflect on Mr. Dowell's personal integrity, and that Mr. Dowell should be commended for disclosing the information regarding his brother-in-law's connection to the selection process for the project in question.

Sincerely,

*Joseph M. Centorino*

Executive Director and General Counsel  
Miami-Dade Commission on Ethics and Public Trust  
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**From:** Martinez, Angie (OCA)  
**Sent:** Wednesday, August 23, 2017 4:27 PM  
**To:** Valin, Pablo (ISD) <[Pablo.Valin@miamidade.gov](mailto:Pablo.Valin@miamidade.gov)>  
**Cc:** Singh, Neil R. (OCA) <[Neil.Singh@miamidade.gov](mailto:Neil.Singh@miamidade.gov)>; Singer, Miriam (ISD) <[SINGER@miamidade.gov](mailto:SINGER@miamidade.gov)>; Uppal, Namita (ISD) <[Namita.Uppal@miamidade.gov](mailto:Namita.Uppal@miamidade.gov)>; Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>; Davis, Thomas (OCA) <[Thomas.Davis@miamidade.gov](mailto:Thomas.Davis@miamidade.gov)>; Edwards, Phillip G. (OCA) <[Phillip.Edwards@miamidade.gov](mailto:Phillip.Edwards@miamidade.gov)>; Palmer, Donna S. (OCA) <[Donna.Palmer@miamidade.gov](mailto:Donna.Palmer@miamidade.gov)>  
**Subject:** OCA - E15-WASD-19

This email is being sent to you on behalf of Mr. Neil R. Singh, Acting Commission Auditor.

*Angie Martinez*, Executive Secretary  
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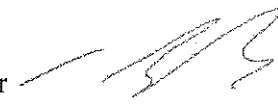
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**BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**

**M E M O R A N D U M**

**TO:** Pablo Valin, Non-Voting Chairperson  
Internal Services Department, Procurement Management Services  
Division

**FROM:** Neil R. Singh, CPA  
Acting Commission Auditor 

**DATE:** August 23, 2017

**SUBJECT:** **Appointment of Selection Committee for Miami-Dade Water and Sewer Department Request to Advertise for Engineering Design and Related Services for the Improvement, Renewal and Replacement of the Alexander Orr Water Treatment Plant and the South Miami-Dade Water Supply System, which include the following Plants: Leisure City, Naranja, Elevated Water Tank, Everglades Labor Camp and Newton Water Treatment Plants and Ancillary Facilities to those Plants, as well as Well Fields, Re-Pumping Facilities, Remote Storage and its Appurtenant Facilities – Project no. E15-WASD-19**

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On May 6, 2014, the Board of County Commissioners adopted Resolution No. R-449-14, directing the Office of the Commission Auditor (OCA) to conduct background checks on members serving on evaluation/selection committees.

The results of the background checks will be submitted to the Internal Services Department or other County department(s) overseeing and administering the competitive procurement process and to the Commission on Ethics. In accordance with the Resolution, OCA is submitting this report with the results of its research.

Pursuant to the Resolution, OCA completed background research regarding Appointment of Selection Committee for Miami-Dade Water and Sewer Department Request to Advertise for Engineering Design and Related Services for the Improvement, Renewal and Replacement of the Alexander Orr Water Treatment Plant and the South Miami-Dade Water Supply System, which include the following Plants: Leisure City, Naranja, Elevated Water Tank, Everglades Labor Camp and Newton Water Treatment Plants and Ancillary Facilities to those Plants, as well as Well Fields, Re-Pumping Facilities, Remote Storage and its Appurtenant Facilities – Project no. E15-WASD-19.

The voting members of the Selection Committee are Antonio Cotarelo, WASD, Debbie Griner, WASD, Marina Blanco-Pape, RER, Byron Dowell, PROS, Li Gurau, PortMiami, Reynaldo Abreu, WASD (Alternate) and Mallika Muthiah, RER (Alternate). The non-voting chairperson is Pablo Valin, ISD.

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August 23, 2017

Based on OCA's research, there are no relevant findings for Pablo Valin, Antonio Cotarelo, Debbie Griner, Marina Blanco-Pape, Li Gurau, Reynaldo Abreu, and Mallika Muthiah. *However, Byron Dowell stated on his neutrality/affidavit form that his brother-in-law is the owner and principal of Ambro, Inc. Ambro, Inc. is listed as a vendor on this project.*

c: Miriam Singer, Assistant Director, ISD Procurement Management Services  
Division  
Joseph Centorino, Executive Director, Commission on Ethics & Public Trust