

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, August 31, 2017 4:02 PM
To: Sanchez, Rodzandra (COE)
Subject: Julio Mena, Master Road Finishers Corporation (Limitations on Contracting with the County) INQ 17-217
Attachments: Mena Applic.pdf; INQ 17-217 letter.pdf

[INQ 17-217 Mena](#)

From: Turay, Radia (COE)
Sent: Wednesday, August 30, 2017 3:40 PM
To: 'oclaro@masterroadfinishers.com' <oclaro@masterroadfinishers.com>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: INQ 17-217, Julio Mena, Master Road Finishers Corporation (c and d)

Dear Mr. Mena,

You have inquired regarding any limitations you might have in contracting with the County through your company Master Road Finishers Corporation (Master).

Background

You have a fifty percent ownership interest in the general engineering company, Master. Master is seeking to do business with Miami-Dade County. It is also seeking to register as a Certified Small Business Enterprise-Architectural & Engineering, through the Miami-Dade County Internal Services Department. Further, Master is interested in serving as a sub-contractor on an existing contract at the Miami-Dade Water and Sewer Department (WASD).

Your son, Jason J. Mena, is employed as a Customer Service Manager by WASD.

Analysis

First, you have inquired as to about limitations you might have in contracting with the County through your company, Master. The County Ethics Code at Sections 2-11.1(c)(2) and (d) allows you to enter into a contract, individually or through a firm, with Miami-Dade County, as long as the contract does not interfere with the full and faithful discharge of your son's duties to the County. This means that Jason Mena shall not participate in determining the contract requirements or in awarding the contract. Additionally, none of your son's responsibilities and job descriptions shall require that he be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. In addition your firm, Master, may not enter into contracts with the Miami-Dade Water and Sewer Department due to your son's employment in that County department.

Further, your son may not use his County position to secure **special privileges or exemptions** with respect to any contract you are seeking with the County nor may he represent you before any County department or agency regarding any application to contract with the County. See County Ethics Code § 2-11.1(g) and (m)(1).

Secondly, you have expressed interest in your firm, Master, registering as a Certified Small Business Enterprise-Architectural & Engineering. It is our understanding, that registering as a Certified Small Business Enterprise is handled exclusively by the Miami-Dade Internal Services Department. Therefore, Master, will not be prohibited from registering as a Certified Small Business because your son does not work for ISD, the County department that enforces, oversees, or administers the Certified Small Business Enterprise program.

Thirdly, you have inquired whether Master may serve as a sub-contractor on an existing contract with WASD. As noted above, the County Ethics Code at Sections 2-11.1(c)(2) and (d) prohibit Master from entering into any contracts *directly* with WASD. It is, however, permissible under the Ethics Code for Master to serve as a sub-contractor on an existing contract, as long as Master's contract is with the prime contractors or subcontractors, and not directly with the WASD, the County department that employs your son. See INQ 13-69; and INQ 11-20. It may also be problematic under the Ethics Code for your company to act as a subcontractor where its work might be subject to oversight or management by your son in connection with his departmental duties in WASD. Master is, therefore, advised to obtain an ethics opinion from the COE prior to engaging in any specific contract with a prime contractor or sub-contractor to perform work on a WASD project.

This opinion construes the Miami-Dade County Ethics Code as it applies to County employee-vendors at Sections 2-11.1(c)(2) and (d) only. It is not applicable to any conflicts under other sections of the County Code or to issues related to state or federal laws.

If any of the facts you have presented change or if you have further questions, please feel free to contact us.

Sincerely,

RADIA TURAY

Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 350-0601
Fax: (305) 579-0273
Ethics.miamidade.gov

From: oclaro@masterroadfinishers.com [<mailto:oclaro@masterroadfinishers.com>]
Sent: Monday, August 28, 2017 6:48 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: Ethics Opinion

Good Afternoon Ms. Turay, attached please find the requested form. Thank you

Master Road Finishers, Corp.

From: [Turay, Radia \(COE\)](#)
Sent: Monday, August 28, 2017 2:59 PM
To: oclaro@masterroadfinishers.com
Subject: RE: Ethics Opinion

Hello Mr. Oclaro,

I am yet to receive the form which all relatives of county employees seeking to be a county vendor must fill out. Please find it at the below listed link.

Please fill it out and send it back to me when you get a chance.

http://ethics.miamidade.gov/library/forms/relative_of_county_employee_seeking_to_be_a_county_vendor_2013.pdf

Thanks,
Radia.

From: oclaro@masterroadfinishers.com [<mailto:oclaro@masterroadfinishers.com>]
Sent: Monday, August 14, 2017 9:54 AM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Re: Ethics Opinion

Thank you

Sent from my iPhone

On Aug 14, 2017, at 9:13 AM, Turay, Radia (COE) <Radia.Turay@miamidade.gov> wrote:

Hello Mr. Oclaro,

I am still doing some research on the issue. There does not seem to be a precedent for this issue, so we may need to take it to the full commission in September. I will confirm with the executive director. In the interim please fill out the form that was provided through the link in my previous email. Please send me a copy of the form once you have completed it.

Thanks,
Radia.

From: oclaro@masterroadfinishers.com [<mailto:oclaro@masterroadfinishers.com>]
Sent: Monday, August 14, 2017 6:41 AM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: Ethics Opinion

Good Morning Ms. Turay, wondering if an opinion had been reached concerning my question of being able to be a subcontractor to a prime contractor with a county contract? Thank you

Master Road Finishers, Corp.

From: [Turay, Radia \(COE\)](mailto:Turay, Radia (COE))
Sent: Friday, August 4, 2017 4:25 PM
To: oclaro@masterroadfinishers.com
Subject: RE: Ethics Opinion

Hello Mr. Mena,

It was a pleasure meeting you and Mr. Claro this morning. I am still doing research as to the issues that we discussed this morning. In the interim, there is a form which all relatives of county employees seeking to be a county vendor must fill out. Please find it at the below listed link. Please fill it out and send it back to me when you get a chance.

http://ethics.miamidade.gov/library/forms/relative_of_county_employee_seeking_to_be_a_county_vendor_2013.pdf

Have a good weekend.

-Radia.

From: oclaro@masterroadfinishers.com [<mailto:oclaro@masterroadfinishers.com>]
Sent: Thursday, August 03, 2017 6:23 AM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: Ethics Opinion

Good Morning Ms. Turay,
Friday, August 4, 2017 at 10:00 AM is fine, I'll be there with my partner Osvaldo Clara. Thank you

Master Road Finishers, Corp.

From: [Turay, Radia \(COE\)](mailto:Turay, Radia (COE))
Sent: Wednesday, August 2, 2017 11:00 AM
To: oclaro@masterroadfinishers.com
Subject: RE: Ethics Opinion

Hello Mr. Mena,

Please let me know which one of the following dates and times work best for you:

Friday, August 4, 2017- 10:00am – 11:00am; 11:00am-noon; 2:00pm-4:00pm
Monday, August 7, 2017- anytime
Thursday, August 10, 2017- anytime

Thanks,
Radia.

From: oclaro@masterroadfinishers.com [<mailto:oclaro@masterroadfinishers.com>]
Sent: Tuesday, August 01, 2017 5:23 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Re: Ethics Opinion

Ms. Turay I'll make myself available when you have the time, please advise. Thank you

Sent from my iPhone

On Aug 1, 2017, at 12:25 PM, Turay, Radia (COE) <Radia.Turay@miamidade.gov> wrote:

Hello Mr. Oclaro,

I can certainly meet with you on this issue. Please provide me with your availability for the next week starting on Friday, August 4, so we can meet.

Thanks,
Radia.

From: oclaro@masterroadfinishers.com [<mailto:oclaro@masterroadfinishers.com>]
Sent: Tuesday, August 01, 2017 12:21 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: Ethics Opinion

Good Afternoon Ms. Turay,
thank you for phone call yesterday afternoon , but I must disagree with your conclusion, based on previous opinions rendered by the commission on the same issue, I will like to request a meeting to further discuss this matter, prior to you rendering an official opinion. Thank you

Master Road Finishers, Corp.

From: [Turay, Radia \(COE\)](mailto:Turay, Radia (COE))
Sent: Thursday, July 27, 2017 4:59 PM
To: oclaro@masterroadfinishers.com
Subject: Ethics Opinion

Hello Mr. Mena,

My name is Radia Turay. I am a staff attorney at the Commission on Ethics. I was assigned to assist you with this request. Please send me a telephone number at which I can reach you.

In the interim, please find a number of opinions that the Commission on Ethics has issued regarding doing business with Miami-Dade County when your immediate family member is employed by the County.

I look forward to hearing back from you.

Thanks,

Radia Turay
Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 350-0601
Fax: (305) 579-0273
Ethics.miamidade.gov

From: oclaro@masterroadfinishers.com [oclaro@masterroadfinishers.com]
Sent: Friday, July 21, 2017 6:24 AM
To: Ethics (COE)
Subject: Opinion

God Morning,
My name is Julio A. Mena I recied at 4921 NW 179 St. Miami Gardens FL. 33055, I am 50% owner of Master Road Finishers Corp. 10300 SW 72 St. Miami , FL. 33173 a general

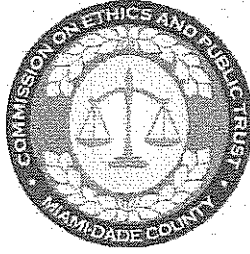
engineering company, wanting to do business with the County, bidding on infrastructure work , water, sewer, road construction, drainage, etc. I am a retired, 2013, former employee of Miami Dade Water and Sewer Dept. as a construction manager II, my son Jason J. Mena, is currently employed by the County as a Customer Service Manager at Miami Dade Water and Sewer Dept. I'm seeking an opinion from the board, as required by the application to do business with the county as to whether this relationship constitutes any violation of ethics or any other violation to any rule which may exist within county government, your prompt attention to this matter is greatly appreciated. Thank you

Master Road Finishers, Corp.

MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

COMMISSIONERS

Judge Lawrence Schwartz, CHAIR
H. Jeffrey Cutler VICE-CHAIR
Nelson Bellido,
Judith Bernier
Carol Zeiner



EXECUTIVE STAFF

Joseph M. Centorino
EXECUTIVE DIRECTOR
General Counsel
Michael P. Murawski
ADVOCATE

Via First Class Mail
and email at: oclaro@masterroadfinishers.com

August 30, 2017

Julio A. Mena
Master Road Finishers Corp.
10300 S.W. 72nd Street
Miami, FL 33173

Please submit this letter to the Procurement Management Services Division with your Relatives of County Employees Wishing to Register as County Vendors' application. The Ethics Commission does not submit this letter on your behalf.

Re: INQ 17-217, Limitations on Doing Business with the County

Dear Mr. Mena,

You have inquired regarding any limitations you might have in contracting with the County through your company Master Road Finishers Corporation (Master).

Background

You have a fifty percent ownership interest in the general engineering company, Master. Master is seeking to do business with Miami-Dade County. It is also seeking to register as a Certified Small Business Enterprise-Architectural & Engineering, through the Miami-Dade County Internal Services Department. Further, Master is interested in serving as a sub-contractor on an existing contract at the Miami-Dade Water and Sewer Department (WASD).

Your son, Jason J. Mena, is employed as a Customer Service Manager by WASD.

Analysis

First, you have inquired as to about limitations you might have in contracting with the County through your company, Master. The County Ethics Code at Sections 2-11.1(c)(2) and (d) allows you to enter into a contract, individually or through a firm, with Miami-Dade County, as long as the contract does not interfere with the full and faithful discharge of your son's duties to the County. This means that Jason Mena shall not participate in determining the contract requirements or in awarding the contract. Additionally, none of your son's responsibilities and job descriptions shall require that he be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment,

extension, termination or forbearance. In addition your firm, Master, may not **enter into contracts with the Miami-Dade Water and Sewer Department** due to your son's employment in that County department.

Further, your son may not use his County position to secure **special privileges or exemptions** with respect to any contract you are seeking with the County nor may he represent you before any County department or agency regarding any application to contract with the County. See County Ethics Code § 2-11.1(g) and (m)(1).

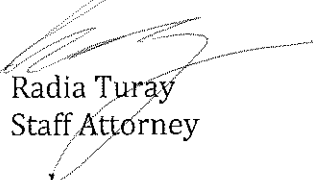
Secondly, you have expressed interest in your firm, Master, registering as a Certified Small Business Enterprise-Architectural & Engineering. It is our understanding, that registering as a Certified Small Business Enterprise is handled exclusively by the Miami-Dade Internal Services Department. Therefore, Master, will not be prohibited from registering as a Certified Small Business because your son does not work for ISD, the County department that enforces, oversees, or administers the Certified Small Business Enterprise program.

Thirdly, you have inquired whether Master may serve as a sub-contractor on an existing contract with WASD. As noted above, the County Ethics Code at Sections 2-11.1(c)(2) and (d) prohibit Master from entering into any contracts *directly* with WASD. It is, however, permissible under the Ethics Code for Master to serve as a sub-contractor on an existing contract, as long as Master's contract is with the prime contractors or subcontractors, and not directly with the WASD, the County department that employs your son. See INQ 13-69; and INQ 11-20. It may also be problematic under the Ethics Code for your company to act as a subcontractor where its work might be subject to oversight or management by your son in connection with his departmental duties in WASD. Master is, therefore, advised to obtain an ethics opinion from the COE prior to engaging in any specific contract with a prime contractor or sub-contractor to perform work on a WASD project.

This opinion construes the Miami-Dade County Ethics Code as it applies to County employee-vendors at Sections 2-11.1c)(2) and (d) only. It is not applicable to any conflicts under other sections of the County Code or to issues related to state or federal laws.

If any of the facts you have presented change or if you have further questions, please feel free to contact us.

Sincerely,



Radia Turay
Staff Attorney

Relatives of County Employees
Wishing to Register as County Vendors

Please submit the following information by mail, fax, **or** email to—

Gilma Diaz-Greco, Staff Attorney
The Commission on Ethics & Public Trust
19 West Flagler St., Suite 820
Miami, FL 33130

Phone: (305) 350-0638
Fax: (305) 579-0273
Email: gdiazgr@miamidade.gov

| | |
|--|-----------------------------------|
| YOUR NAME | Julio A. Mena |
| Name of Your Business | Master Road Finishers Corp |
| Type of Business | Utility Construction |
| Your Mailing Address | 10300 S.W. 72nd St. Mia, FL 33173 |
| Your Daytime Phone | 786-202-8522 |
| Your Email | info@masterroadfinishers.com |
| Name of county employee who is related to you | Jason J. Mena |
| Type of relationship— spouse? child? parent? other? | Child |
| County employee's department, if known | Miami Dade Water & Sewer |
| County employee's title, if known | Customer Service Manager |
| Please list the names, titles, and departments of any other immediate family members currently employed by Miami-Dade Co. | N/A |

The Miami-Dade County Conflict of Interest & Code of Ethics at § 2-11.1 (c)(2) allows immediate family members of County employees to contract with the County in certain circumstances and if the following criteria are met. Please confirm that you and your immediate family member/s will be able to meet all of these criteria:

1. Entering into a contract with the County will not interfere with the full and faithful discharge of the County employee's duties to the County.
2. The County employee will not participate in determining your contract requirements.
3. The County employee will not participate in awarding the contract.
4. The County employee's job responsibilities and job description will not require him/her to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination, or forbearance.
5. The County employee will not be working in the County department that enforces, oversees, or administers your contract.

I have read these requirements and pledge to abide by them.

Signature

Date

8/28/2017

Your ethics opinion will be sent to you by first class mail and email, unless you request another type of delivery.

COE 11/2013