

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, October 02, 2017 1:44 PM
To: Sanchez, Rodzandra (COE)
Subject: Motsa Dubois, Senior Systems Analyst Programmer, ITD (Prohibited appearances on behalf of third parties (m)(1)) INQ 17-238

[INQ 17-238 Dubois](#)

From: Turay, Radia (COE)
Sent: Thursday, September 28, 2017 6:30 PM
To: Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>
Cc: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: FW: INQ 17-238, Motsa Dubois, Senior Systems Analyst Programmer, ITD ((m)(1))

From: Turay, Radia (COE)
Sent: Thursday, September 28, 2017 6:29 PM
To: Dubois, Motsa (ITD) <Motsa.Dubois@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; motsa@miachinaexchange.com
Subject: INQ 17-238, Motsa Dubois, Senior Systems Analyst Programmer, ITD ((m)(1))

Dear Ms. Dubois,

You have inquired about possible conflicts of interest regarding your County employment and your service as (1) Vice President of the International Organizations Committee (IOC) of Federation Internationale des Administrateurs de Biens et Conseils Immobiliers (FIABCI) and (2) Director of MiaChina.

Background

You are employed as a Senior Systems Analyst Programmer in the Miami-Dade County Information Technology Department (ITD). Your job responsibilities include managing the solicitation of a social service case management system for Community Action and Human Services Department; managing implementation of systems for other County departments; serving on procurement committees for County Departments including the Seaport and Aviation; and performing emergency management assignments with the United Way.

You currently serve as the Vice President of IOC of FIABCI (International Real Estate Federation), a nonprofit organization, which provides access and opportunity for real estate professionals interested in gaining knowledge, sharing information and conducting international business with each other. The IOC of FIABCI is responsible for advising the Board and the General Assembly on matters related to special events organized by FIABCI Committees or chapters, using the FIABCI name, involving members from more than two chapters, assuring they satisfy the policies and objectives of the Federation. As Vice President of IOC you are involved in programs with FIABCI's global partnering organizations such as the United Nations, the World Bank, the International Monetary Fund, etc. You receive no compensation for your service with FIABCI.

Additionally, you serve as Director for MiaChina, a for-profit corporation. Your duties with MiaChina include assisting non-domestic organizations with business development into the Miami area; helping foreign professions/students seeking an education at Miami area schools; and organizing events. You are compensated for your work with MiaChina.

Further, you work for Fortune International Realty as a licensed real estate agent, involved in sales/acquisitions of real estate.

Through your involvement in your various private activities listed above, you have become aware of a number of proposed initiatives that may be of interest to the County. You are seeking this opinion to determine whether your involvement with any of these proposed initiatives would conflict with your County employment. The information you have provided on the various initiatives is as follows:

- a. **Miami-Dade County Pilot.** Through your FIABCI involvement with UN-Habitat, you are aware of an opportunity for Miami-Dade County to be among municipalities that are assessed and monitored for the achievement of the UN Sustainable Development Goals, on a pilot basis. You wish to propose that Miami-Dade County be part of the pilot of UN-Habitat's (FIABCI) qualitative assessment. You hope to secure funding for this initiative through UN-Habitat and potential partners like Siemens. You believe the benefits would be tremendous for Miami-Dade: not only increased County visibility but also a chance to get some of the funding under these programs allocated toward making our County more sustainable.

You will receive no remuneration from this effort.

- b. **Luxembourg Minister's Visit.** In the context of the Sustainability Assessment and Monitoring pilot through FIABCI, Mr. Francois Bausch, the Minister of Sustainable Development of Luxembourg, has accepted your invitation to visit Miami during November 2017. Although the County pilot initiative has not progressed, you have not yet cancelled the invitation because you believe there may still be some other appropriate forum to receive Mr. Bausch, that would highlight Miami-Dade to institutional investors of Luxembourg
- c. **Economic Development Initiative.** Through MiaChina you want to provide foreign investors (particularly Chinese) with incentives to (i) come build/develop business district(s) here; (ii) attract industries whose products and/or services may easily reach the Americas, especially Latin America; (iii) work with the County and related municipalities, to establish a presence in Miami-Dade, hence implementing the "Gateway to the Americas".

In order to make this happen, you wish to approach investor groups in China while also working with teams in Economic Development, Planning/Zoning, etc. at the County and other municipalities. You would be compensated for your services through MiaChina should investors purchase real estate through this proposed program.

Analysis

Section 2-11.1(m)(1) of the County Ethics Code specifically states that no County employee "shall appear before a County Board or agency and make a presentation on behalf of a third person with respect to a license, contract, certificate, ruling decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form, for services rendered to a third person, who has applied for or is seeking some benefit from the County or a County agency, in connection with the particular benefit sought by the third person...." The Miami-Dade Commission on Ethics (COE) has interpreted this section as prohibiting all County employees from lobbying anywhere in the County government to obtain a benefit for themselves or others. See RQO 16-03.

Be advised that the COE has interpreted lobbying very expansively when applied to County employees. It has been interpreted to mean that a County employee may not contact anyone within the County, or anyone working on behalf of the County, in an attempt to influence his/her decision about a license, contract, certificate, ruling decision, opinion, rate schedule, franchise, or other benefit being sought by a third party. See INQ 16-215, INQ 12-13, INQ 11-01.

Additionally, section 2-11.1(h) prohibits you from disclosing confidential information acquired as a result of your County employment; and section 2-11.1(g) prohibits you from exploiting your official position to secure special privileges or exemptions for yourself or others.

While you have indicated that neither FIABCI nor MiaChina transact business with the County at the present time, should a situation arise in the future, such as the three initiatives that are discussed above, we recommend that, in order to avoid the appearance of impropriety, you refrain from any interaction between your County position/employment and FIABCI and/or MiaChina. It is also advisable, in your role as an officer for FIABCI and MiaChina, to recuse yourself from voting or participating in any discussions and/or votes relating to any County application for funding, contracts, or any other FIABCI and/or MiaChina initiative involving the County.

Please note that FIABCI and/or MiaChina may work on initiatives that may benefit the County as long as *you* are not involved with the initiatives through your County employment and have not attempted to influence an official County decision to benefit FIABCI and/or MiaChina in any way. See INQ 16-215, INQ 12-13, INQ 11-01.

Further, please be aware that as to initiative (c)-Economic Initiative described above, (m)(1) specifically prohibits County employees from receiving any compensation, directly or indirectly or in any form, for services rendered to a third person, who has applied for or is seeking some benefit from the County or a County agency, in connection with the particular benefit sought by the third person. This means that you are prohibited from receiving any compensation, directly or indirectly or in any form, for any service that you provided MiaChina should investors purchase real estate through this proposed program

This opinion is based on the facts presented. Please contact us if the facts change. Additionally, it is not applicable to conflicts under state law. Please contact the State of Florida commission on Ethics if you have any questions regarding possible conflicts under state law.

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
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Ethics.miamidade.gov

From: Dubois, Motsa (ITD)
Sent: Monday, July 31, 2017 11:55 AM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; motsa@miachinaexchange.com
Subject: RE: COE's Opinion

Dear Radia,

Thank you for taking time to meet with me.

This is to request COE's opinion as to potential conflict of interest regarding my proposed initiatives for the benefit of Miami-Dade County.

Current Situation

Miami-Dade County. I am a Senior Systems Analyst Programmer in the Information Technology Department. Typical assignments have included:

- Managing the solicitation of a Social Service Case Management System for Community Action and Human Services Department. This entails, among other activities, composition of the scope of services (about 120+ pages) containing current and future configurations/requirements, charts and graphs, tables, etc.; working with other internal teams for procuring, and impact planning, etc.
- Managing implementation of systems at other departments.
- Serving on procurement committees for other departments' solicitations such as Seaport and Aviation, etc.
- United Way, emergency management assignments, among others.

Fortune International Realty. As reported in my annual Outside Employment reports, I am a licensed real estate agent, involved in sales/acquisition of real estate. Almost no transaction in recent past.

MiaChina. As reported in my annual Outside Employment reports, I serve as a Director. I engage in the following activities:

1. Assisting non-domestic organizations with business development into the Miami area; and helping foreign professionals/students wanting an education at our area schools.
2. Organizing events, especially bringing into Miami significant figures from notable organizations like the World Bank, and the International Monetary Fund.

Not much activity in recent past.

FIABCI (Fédération Internationale des Administrateurs de Biens et Conseils Immobiliers). As a Vice President of the International Organizations Committee, I get involved in programs with our global partnering organizations, such as the United Nations, the World Bank, the International Monetary Fund, etc. This is not a paid position and I get no tangible benefit from FIABCI.

Future/Proposed Initiatives

1. Sustainability Assessment and Monitoring

Because of my FIABCI involvement with UN-Habitat, I am aware of an opportunity for our County to be among municipalities that are assessed and monitored for the achievement of the UN Sustainable Development Goals, on a pilot basis. In consideration, two opportunities came about:

- a. **Miami-Dade County Pilot.** I propose that Miami-Dade County be part of the pilot of UN-Habitat's (FIABCI) qualitative assessment. Hence, I purposed to secure funding for this initiative through UN-Habitat and potential partners like Siemens. The benefits would be tremendous for Miami-Dade: not only increased County visibility but also a chance to get some of the allocated funding under these programs toward making our County more sustainable.

I won't get any remuneration from this effort.

- b. **Luxembourg Minister's Visit.** In the context of the Sustainability Assessment and Monitoring pilot's completion, Mr. Francois Bausch, the Minister of Sustainable Development of Luxembourg has accepted my invitation to visit Miami November 2017. Although the County pilot initiative has not progressed until now, I have not yet cancelled the invitation; For, there must still be some other

appropriate forum to receive Mr. Bausch, take the opportunity to highlight Miami-Dade to institutional investors of Luxembourg: Europe's Fund Capital! Please note that Luxembourg's 1st Lady was raised in Miami.

2. Economic Development Initiative

At a local conference a few years ago, a casual conversation with Mayor Gimenez about our depressed areas once booming in the 70's, brought to me a vision of an opportunity for revitalization. Today, this concept purposes to:

- a. Incentivize foreign investors (particularly Chinese) to (i) come build/develop business district(s) here; (ii) attract here industries whose products and/or services they want to easily reach the Americas, especially Latin America; (iii) work with the County and related municipalities, to establish a presence in Miami-Dade, hence **implementing** the "Gateway to the Americas". This forum would create lots of new jobs.
- b. Require these foreign investors to **also build sustainable workforce housing** near the business district(s). Our County is plagued by an acute lack of workforce housing: most working residents cannot afford what is being built here.

In order to make this happen, I would approach investor groups in China to which I already have access while also working with teams of Economic Development, Planning/Zoning, etc. at the County and other municipalities. This order of magnitude is in the billions of dollars.

Bottom line, it is obvious that, as investors buy and sell, there is opportunity for me to earn money too. On one hand that does not sound "kosher". On the other hand, taking this idea to our neighbors would not be good to our County.

COE's opinion is greatly appreciated.

Kind regards,

Motsa Dubois

Miami-Dade County

ITD (Information Technology Department)

Cell: 305-484.1221 | Office: (305) 375-2521

Motsa Dubois @ Cell: 305.484.1221

From: Turay, Radia (COE)

Sent: Thursday, July 13, 2017 5:42 PM

To: Dubois, Motsa (ITD) <Motsa.Dubois@miamidade.gov>

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

Subject: FW: COE's Opinion

Importance: High

Hello Ms. Dubois,

It was a pleasure speaking with you a few minutes ago. This will confirm that we will meet at the COE on Tuesday, July 25th, 2017 at 10:30am.

Have a great weekend!

RADIA TURAY

Staff Attorney

Miami-Dade Commission on Ethics and Public Trust

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Miami, FL 33130

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Ethics.miamidade.gov

From: Dubois, Motsa (ITD)

Sent: Wednesday, July 12, 2017 4:44 PM

To: Ethics (COE) <ethics@miamidade.gov>

Subject: COE's Opinion

Importance: High

Dear COE,

I am an ITD employee for 15 years. I am also involved with several organizations (global and local) that enable me to find opportunities for the benefit of Miami-Dade County. Regarding a specific program, at some point in time in the future, I could be benefiting also from that program. Hence, I would like to meet with COE to find out how to prevent conflict of interest now or in the future.

Please let me know when and where. I work out of SPCC on Tuesday, Wednesday and Friday of most weeks.

Regards,

Motsa Dubois

Miami-Dade County

ITD (Information Technology Department)

Cell: 305-484.1221 | Office: (305) 375-2521