

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, November 13, 2017 9:27 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: A. Arguelles - Construction Manager, WASD, re Vizcaya Assignment (Conflict of interest) INQ 17-255

[INQ 17-255 Arguelles](#)

From: Arguelles, Alice (WASD)
Sent: Monday, November 13, 2017 7:27 AM
To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: A. Arguelles - Construction Manager, WASD, re Vizcaya Assignment, Conflict of interest , INQ 17-255

Good morning Ms. Perez,

Thank you kindly for your very prompt response. The ethics issue is deeply embedded in county employees (rightfully so) and shifts in routine such as this one always hit a nerve.

Best regards, Alice

Alice K. Argüelles,
Construction Manager 3
Miami-Dade Water and Sewer Department
Utility Engineering & Construction Division
3501 NW 46th Street, 2nd Floor
Miami, Florida 33142
Tel: 786-552-4351
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From: Perez, Martha D. (COE)
Sent: Thursday, November 9, 2017 3:30 PM
To: Arguelles, Alice (WASD) <alice.arguelles@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: A. Arguelles - Construction Manager, WASD, re Vizcaya Assignment, Conflict of interest , INQ 17-255

Dear Ms. Arguelles,

You inquire whether you have a conflict of interest in your assignment to perform administrative tasks for two County projects at the Vizcaya Museum & Gardens (Vizcaya) while employed at the County's Water & Sewer Department (WASD).

Background

Prior to 2017, Vizcaya was overseen and managed by the Vizcaya Museum & Gardens Trust. The day-to-day management was provided by an Executive Director who supervised staff members who were County employees. You worked as a County Program Manager for Vizcaya for approximately four years. Earlier this year, the Board of County Commissioners (BCC) adopted an Ordinance amending Article LXXXI of the Miami-Dade County Code, in order to transition the operation and management (including personnel) of Vizcaya Museum & Gardens Trust to a public-private operating partnership with Vizcaya Museum & Gardens Trust, Inc. (VMGTI)- a not-for-profit 501(c)(3) organization. Among the amendments, the Ordinance directs the County Mayor, Human Resources Department, or other County Mayor's designee to provide dedicated staff to assist County employees at Vizcaya (such as yourself) with placement in other County positions.

Implementation of the Ordinance also approved the Operating and Management Agreement between the County and VMGTI for the management of Vizcaya (the Agreement). One of the provisions in the Agreement (Section AA.2.2) allows full-time Trust employees, who do not wish to become VMGTI employees, to secure ongoing employment within the County. Consequently, you elected this option under the Agreement and were subsequently assigned to WASD as a Construction Manager 3, to perform, *inter alia*, administrative work with supervisory responsibility in the planning, assigning and reviewing the work of construction managers, similar to your responsibilities while assigned to Vizcaya.

VMGTI has requested the County that you continue assisting the not-for-profit organization with two (2) County capital projects related to the replacement and/or stabilization of Vizcaya structures, projects which were funded and initiated while you served as Project Manager for Vizcaya and while Vizcaya was under County management. While the logistics remain unresolved (i.e. hours you will spend managing the two projects), you have advised that WASD supervisors have not expressed an objection to this temporary assignment. You have also indicated that your duties and responsibilities working in this temporary assignment at Vizcaya are unrelated to your duties and responsibilities at WASD. You remain a County employee on "loan" to VMGTI. It is noted that the Operating Agreement provides that the County may make it available to the VMGTI the expertise of its professional staff to support the management of Vizcaya (Section B.3.9).

Analysis

It would be appropriate for a County employee to perform "project administration type tasks" for a County vendor/service provider where there has been a determination that the assignment is directly relevant to the work, mission and goals of the County, such that it would be a justifiable expenditure of the County's resources to support the activity. Your Department Director is the person to determine whether this temporary assignment is in the County's best interest. This office will limit its opinion to whether there may be a conflict of interest in your temporary duties with a County vendor and your present duties at WASD. This arrangement does not appear to be prohibited by the County Ethics Code. Based on the facts you have presented, your temporary assignment at Vizcaya is not likely to impair your independence of judgment in the performance of your duties at WASD because both positions are in furtherance of the County's best interest. VMGTI, in fulfilling its mission and objective to manage Vizcaya is requesting your expertise in the continuation and successful completion of two County projects which were initiated while the County operated and managed Vizcaya. While there's no prohibition against your temporary assignment to a County vendor under these circumstances, you should be aware of other Ethics Code provisions likely to be triggered when County employees are assigned to a County project with a County vendor/service provider:

- 1) Section 2-11.1(g) prohibits County employees from using their official position to secure special privileges or exemptions for themselves or others.
- 2) Section 2-11.1(h) prohibits County employees from disclosing confidential information obtained through their official positions with the County or use such information, directly or indirectly, for personal gain or benefit.

This opinion is based on the facts as presented. If any of these facts are not accurate or change, please contact us.

Sincerely,

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

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From: Centorino, Joseph (COE)
Sent: Monday, November 06, 2017 12:34 PM
To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: FW: A.Arguelles - Vizcaya Assignment

Please handle. Thanks.

From: Arguelles, Alice (WASD)
Sent: Monday, November 06, 2017 12:17 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Ethics (COE) <ethics@miamidade.gov>
Cc: Mendez, John (WASD) <John.Mendez@miamidade.gov>; Anand, Hardeep (WASD) <hardeep.anand@miamidade.gov>; Sola, Lester (WASD) <Lester.Sola@miamidade.gov>; Morello, Vincent (WASD) <Vincent.Morello@miamidade.gov>; Hoffman, Joel (Vizcaya) <Joel.Hoffman@vizcaya.org>; Correa, Luis (Vizcaya) <Luis.Correa@vizcaya.org>; Barrios, Josephine (WASD) <Josephine.Barrios@miamidade.gov>; Suarez, Maria C. (WASD) <Maria.Suarez@miamidade.gov>; Martinez-Esteve, Jorge (CAO) <Jorge.Martinez-Esteve@miamidade.gov>
Subject: RE: A.Arguelles - Vizcaya Assignment

Dear Mr. Centorino,

I have been advised by Mr. Mendez Assistant Director WASD Customer Initiatives and Support Services, to reach out to your office (see email below) regarding my concerns related to my performing work as a county employee for a private entity that is Vizcaya Museum and Gardens Trust, Inc. I kindly request an opinion from your office in regards to the ethicality surrounding a county employee performing project administration type tasks for a county facility managed by a private entity, paid for by the county. I am aware of county employees that are "loaned out" from one county department to another department, but never an instance such as this. After 25 years of impeccable service to the county I want to perform my duties as directed by upper management, but need to ensure that I am indeed permitted to do so in accordance to the rules and regulations.

Thanking you in advance for your prompt response.

Alice K. Arguelles,
Construction Manager 3
Miami-Dade Water and Sewer Department
Utility Engineering & Construction Division
3501 NW 46th Street, 2nd Floor
Miami, Florida 33142
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From: Mendez, John (WASD)
Sent: Monday, November 6, 2017 10:45 AM
To: Arguelles, Alice (WASD) <alice.arguelles@miamidade.gov>
Cc: Morello, Vincent (WASD) <Vincent.Morello@miamidade.gov>; Correa, Luis (Vizcaya) <Luis.Correa@vizcaya.org>
Subject: RE: A.Arguelles - Vizcaya Assignment

Hi Alice:

Yes it was fun catching-up with you the other day.

As I explained to you on the phone. I personally spoke to Mr. Jorge Martinez-Esteve, Assistant County Attorney, regarding your part-time assignment to oversee a couple capital projects at the Viscaya Museums. Mr. Martinez-Esteve stated that the two projects you will be assigned were approved, initiated, and funded during when the Viscaya Gardens and Museum was organizationally part of Miami-Dade County. Therefore until the projects are completed they will remain as Miami-Dade capital projects. I take that to mean that you and your work on the projects will receive the same authority and protection as all county.

Regarding your concern regarding the ethics of the work assignment. I can't speak to that, however you can always request an official opinion from the Commission on Ethics.

Lastly your work schedule. This is an issue that needs to be coordinated between you, Vin Morello and the Mr. Correa. I'm sure as professionals, a schedule can be developed that works for everybody. Similarly, you should discuss the specific duties that you will be performing with the management at the Viscaya Gardens and Museum.

As always contact me should you have any questions or need further clarification regarding this matter. Thank you.

John E. Mendez, Assistant Director
W&S Customer Initiatives and Support Services
Miami-Dade Water and Sewer Department
786-552.8204
www.miamidade.gov/water

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From: Arguelles, Alice (WASD)
Sent: Monday, November 06, 2017 7:23 AM
To: Mendez, John (WASD) <John.Mendez@miamidade.gov>

Cc: Morello, Vincent (WASD) <Vincent.Morello@miamidade.gov>

Subject: FW: A.Arguelles - Vizcaya Assignment

Good morning John,

It was good talking to you on Friday and reminisce about the Elections building renovation project we worked on back in 2003.

As discussed during our conversation:

I will accept the temporary assignment if I am directed to do so. However, as Vizcaya is now managed by a private entity, I am concerned about performing work there as a county employee. For this reason, prior to moving forward, it is necessary that CAO confirm (in writing) that there are no ethical issues involved in my working at Vizcaya, and that I am covered by workers compensation if I am injured while there.

In addition (and we did not discuss this), I request that Vizcaya provide a clear description of the task I would be performing while there.

Finally, Vizcaya has requested that I spend 5 to 6 hours a week at the facility. I don't have an issue with the number of hours. Should it be determined that I am able to work there, I would do so one day a week in order to minimize disruption to my responsibilities at WASD; I have just transferred to the department and am working on adjusting to the recent change of starting a new job.

Thank you and best regards, Alice

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