

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, December 20, 2017 3:45 PM
To: Sanchez, Rodzandra (COE)
Subject: Joseph Kelly, Senior Telecommunications Technician, Miami-Dade Information Technology Department, (Limitations On Contracting with the County) INQ 17-290

INQ 17-290 Kelly

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, December 20, 2017 3:44 PM
To: Kelly, Joseph (ITD) <Joseph.Kelly@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Joseph Kelly, Senior Telecommunications Technician, Miami-Dade Information Technology Department, (Limitations On Contracting with the County) INQ 17-290

Dear Mr. Kelly:

You inquired about limitations on transacting business that would apply to your spouse's company, G Kelly's Enterprises, LLC. which is seeking to bid on a County inkjet cartridges solicitation. You are employed as a Senior Telecommunications Technician with the Miami-Dade County Information Technology Department ("ITD"). We discussed this matter over the phone and this email will serve as a confirmation of our conversation.

As background, G Kelly Enterprises LLC. is seeking to respond to a County solicitation for laser and inkjet cartridges recycling services which is intended to be a replacement contract for collecting/recycling various cartridges from multiple Miami-Dade County departments. The contract's solicitation, selection, oversight, and administration will be done solely by the ISD Procurement department and by the Miami-Dade Community Action and Human Services Department ("CAHSD"). The contract that will result from this solicitation will be in support of Resolution R-974-02, Miami-Dade County Summer Youth Jobs Program. All proceeds from recycling cartridges would go towards this Youth Program.

The County Ethics Code at Sections 2-11.1(c)(2) and (d) allow G Kelly Enterprises LLC 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 employment duties to the County and as long as neither you nor the department that employs you are involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. In this case, there is no conflict because the contract will be administered solely by CAHSD and neither ITD nor you will be involved in any aspect of this contract.

In addition, you may not use your County position to secure **special privileges or exemptions** with respect to the contract and you may not lobby the County on behalf of G Kelly Enterprises LLC. *See* County Ethics Code §§ 2-11.1(g) and (m).

This opinion is limited to the facts as you presented them to the Commission on Ethics regarding conflicts under Subsections (c), (d), (g), and (m) of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance only. Other conflicts, based on directives from your Department or under state law, may apply. If you have additional questions regarding possible conflicts based on Department directives, contact your Department supervisor or the Mayor's Office. Questions regarding the state ethics laws should be addressed to the State of Florida Commission on Ethics.

Feel free to contact me at 305 350-0638 if I can be of further assistance.

Cordially,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust

19 W. Flagler Street, Suite 820

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From: Diaz-Greco, Gilma M. (COE)

Sent: Wednesday, November 15, 2017 11:39 AM

To: Kelly, Joseph (ITD) <Joseph.Kelly@miamidade.gov>

Subject: RE: Joseph Kelly, Senior Telecommunications Technician, Miami-Dade Information Technology Department, (Limitations On Contracting with the County, Immediate Family members) INQ 17-253

Thank you. Am working on this and will respond as soon as possible.

From: Kelly, Joseph (ITD)

Sent: Wednesday, November 15, 2017 11:35 AM

To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>

Subject: FW: Joseph Kelly, Senior Telecommunications Technician, Miami-Dade Information Technology Department, (Limitations On Contracting with the County, Immediate Family members) INQ 17-253

Good morning Mrs. Gilma Diaz-Greco,

I contacted Natalya Vasilyeva who is the procurement contracting officer of the contract. Please read her below comments in regards to your questions.

Best regards,
Joseph J. Kelly

From: Vasilyeva, Natalya (ISD)

Sent: Wednesday, November 15, 2017 11:27 AM

To: Kelly, Joseph (ITD)

Subject: RE: Joseph Kelly, Senior Telecommunications Technician, Miami-Dade Information Technology Department, (Limitations On Contracting with the County, Immediate Family members) INQ 17-253

Good morning,

Solicitation for laser and inkjet cartridges recycling services is intended to be a replacement contract for collecting/recycling various cartridges from multiple Miami-Dade County departments.

The lead and only Miami-Dade County department on this solicitation will be Community Action and Human Services Department. The contract that will result from this solicitation will be in support of Resolution R-974-02, Miami-Dade County Summer Youth Jobs Program, where all proceeds from recycling cartridges would go towards this Youth Program.

The Community Action and Human Services Department is the department that is responsible for Requisition. Administrative or oversight or selection responsibilities will be managed by Community Action and ISD Procurement.

Natalya Vasilyeva, MBA, CPSM
Procurement Contracting Officer II
Miami Dade County
Internal Services Department/Procurement Division
111 NW 1st Street, Suite 1300, Miami, FL 33128
Office: 305-375-4725 Fax: 305-375-4407

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From: Kelly, Joseph (ITD)
Sent: Wednesday, November 15, 2017 11:11 AM
To: Vasilyeva, Natalya (ISD) <Natalya.Vasilyeva@miamidade.gov>
Subject: FW: Joseph Kelly, Senior Telecommunications Technician, Miami-Dade Information Technology Department, (Limitations On Contracting with the County, Immediate Family members) INQ 17-253

Good Morning Natalya Vasilyeva,

Please answer the below questions from Mrs. Gilma Diaz-Greco in regards to which department is submitting the solicitation and does ITD have any administrative responsibilities.

Best regards,
Joseph J. Kelly

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, November 14, 2017 2:12 PM
To: Kelly, Joseph (ITD)
Subject: RE: Joseph Kelly, Senior Telecommunications Technician, Miami-Dade Information Technology Department, (Limitations On Contracting with the County, Immediate Family members) INQ 17-253

Mr. Kelly:

Which Department is submitting this solicitation. Does ITD, the County Department that employs you, have any administrative or oversight or selection responsibilities with the respect to this solicitation?

Regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Kelly, Joseph (ITD)

Sent: Tuesday, November 14, 2017 9:46 AM

To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>

Subject: FW: Joseph Kelly, Senior Telecommunications Technician, Miami-Dade Information Technology Department, (Limitations On Contracting with the County, Immediate Family members) INQ 17-253

Good morning Gilma Diaz-Greco,

I hope all is well with you today. I have a question about G Kelly's Enterprises, LLC bidding on a solicitation. May G Kelly's Enterprises bid on the attached opportunity?

Best regards,
Joseph J. Kelly

From: Kelly, Joseph (ITD)

Sent: Thursday, November 02, 2017 3:45 PM

To: Diaz-Greco, Gilma M. (COE)

Subject: RE: Joseph Kelly, Senior Telecommunications Technician, Miami-Dade Information Technology Department, (Limitations On Contracting with the County, Immediate Family members) INQ 17-253

Thank you very much.

From: Diaz-Greco, Gilma M. (COE)

Sent: Thursday, November 02, 2017 3:13 PM

To: Kelly, Joseph (ITD)

Cc: Centorino, Joseph (COE); Murawski, Michael P. (COE); Perez, Martha D. (COE); Turay, Radia (COE)

Subject: Joseph Kelly, Senior Telecommunications Technician, Miami-Dade Information Technology Department, (Limitations On Contracting with the County, Immediate Family members) INQ 17-253

Dear Mr. Kelly,

It was a pleasure to speak with you over the phone. This email will serve to memorialize our phone conversation.

You inquired regarding the definition of the term “immediate family” under County Ethics Code Section 2-11.1(b)(9) and the application of this term to limitations on doing business with the County under Sections 2-11.1(c) and (d). We previously provided an opinion to your spouse (INQ 17-225) regarding her limitations on transacting business with the county through her privately owned company, G Kelly’s Enterprises LLC. In that opinion, the Ethics Commission advised Ms. Kelly that because of your employment with the County’s Information Technology Department (“ITD”), Kelly Enterprises LLC would be prohibited from doing business with ITD.

You inquired whether the limitations on transacting business with the County set out in the County Ethics Code would also apply to your father-in-law, aunt, uncle, or cousins. These relatives would not be covered by Sections 2-11.1(c) and (d) because Section (b)(9) of the Ethics Code defines the term “immediate family” as “the spouse, domestic partner, parents, stepparents, children and stepchildren of the person involved. “

Nevertheless, Section 2-11.1 (g) of the County Ethics code must always be considered. This section prohibits County employees from using their official position to secure special privileges or exemptions for himself or herself or others except as may be specifically permitted by other County ordinances and resolutions.

Please contact me if you have any further questions.

Cordially,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Kelly, Joseph (ITD)
Sent: Friday, September 22, 2017 1:08 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: RE: Gloria Kelly, G Kellys Enterprises, LLC (Limitations on contracting with the County) INQ 17-225

Dear Ms. Gilma Diaz-Greco,

Thank you for the Opinion letter. Can you tell me who is considered immediate family? I know that I am considered immediate family but is my father in law, uncle, aunt or cousins considered immediate family?
Please feel free to call me at (305) 297-2142.

Best regards,
Joseph J. Kelly

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, September 06, 2017 3:04 PM
To: GKellysEnterprisesLLC@gmail.com
Cc: Kelly, Joseph (ITD)
Subject: Gloria Kelly, G Kellys Enterprises, LLC (Limitations on contracting with the County) INQ 17-225

Dear Ms. Kelly:

Attached is the Limitations on Doing Business with the County Ethics Opinion letter. Please note that it indicates that G Kellys Enterprises, LLC, your privately owned company, may enter into contracts with Miami-Dade County, but not with the Miami-Dade Information Technology Department.

You may submit a copy of this letter to the procurement department and print a copy of it for your records.

Please contact me if you have any further questions.

Cordially,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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