

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, February 27, 2017 9:19 AM
To: Sanchez, Rodzandra (COE)
Subject: Dave Capelli, Tech Miami Inc. (advisory board members) INQ 17-55,

INQ 17-55 Capelli

From: Turay, Radia (COE)
Sent: Friday, February 24, 2017 4:59 PM
To: Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>
Cc: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>
Subject: FW: INQ 17-55, Dave Capelli, Tech Miami Inc. (advisory board members)

From: Turay, Radia (COE)
Sent: Friday, February 24, 2017 4:58 PM
To: 'dave@techmiami.net' <dave@techmiami.net>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: INQ 17-55, Dave Capelli, Tech Miami Inc. (advisory board members)

Dear Mr. Capelli,

You have inquired whether a conflict of interest exists between you serving as a board member on the Miami-Dade Millennial Task Force (MTF) and your employment as Founder/CEO of TECH Miami Inc. (Tech Miami).

Background

You were appointed to serve as a member of MTF by Miami-Dade County Commissioner Esteban Bovo, Jr. The MTF is an advisory board that was created to develop strategies to attract, retain, and assist millennials in Miami-Dade County through, among other things, housing, career, and transportation opportunities or incentives. The MTF is an advisory only taskforce and does not have the power or authority to commit Miami-Dade County or any of its agencies or instrumentalities to any policies, incur any financial obligation, or create any liability, contractual or otherwise, on behalf of Miami-Dade County or any of its agencies or instrumentalities. It is an unpaid, voluntary board position.

You are also the Founder/CEO of Tech Miami. Tech Miami does research and development on the governance and business model for Smart Cities & Digital Infrastructure; and sourcing and reporting on disruptive emerging (new) technologies and economic impacts for senior government and real estate development executives. Its current research includes strategies around revenue models for building and sustaining Smart City infrastructure versus just cost savings and modernization efforts; developing P3 global frameworks for strategic partnerships to support digital public infrastructure for Smart Cities, in relation to increased automation and leaning of the global labor force leading to dynamically reduced government revenue to support critical infrastructure needs.

Tech Miami is currently listed as a County vendor but does not have any contracts or grants with the County. It has also not responded to any RFPs nor submitted any grant application to the County at this time.

Analysis

Based on the information that you have presented, it does not appear that a conflict of interest exists under the County Ethics Code between your serving as a board member on MTF in which you would be called upon to make recommendations in connection with housing, career, and transportation opportunities and your employment as Founder/CEO of Tech Miami, a technology company. As a County board member you do however have to adhere to the following provisions of the County Ethics Code:

Section 2-11.1(c)(3) prohibits a board member from contracting with any County department or agency that is subject to the regulation, oversight, management, policy-setting, or authority of the board on which they serve.

Section 2-11.1(g) prohibits a board member from using his or her County board position to secure special privileges or exemption for himself/herself or others.

Section 2-11.1(h) prohibits a board member from disclosing confidential information acquired by reason of his or her board position.

Section 2-11.1(m)(2) prohibits a board member, either directly or through an associate from appearing before the board on which he or she serves to make a presentation or seek a benefit (ie. grant or other source of funding) on behalf of a third party. This means that the board member must not “lobby” or try to influence or persuade his/her board for the benefit of a third party.

Section 2-11.1(v) prohibits a board member from voting on matters presented to the board on which the member sits IF the board member would be directly affected by the action of the board he or she serves and he or she has any of the following relationships with the third party: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor. Consequently, a member of a board may not participate or vote on matters concerning a third party where he or she is an officer.

Additionally, the Florida Sunshine Act as Sec. 286.011, Florida Statutes, prohibits board members from discussing board business except at a duly noticed public meeting where the public is invited and minutes are taken. This means no board business can be discussed before the meeting is called to order or after the meeting adjourns.

Finally, when a board member recuses himself or herself from a vote based on a conflict of interest, as contemplated by Section 2-11.1(v) of the Ethics Code, he or she must:

- 1) Announce publicly at the meeting the nature of the conflict before the item is heard;
- 2) Absent himself or herself from that portion of the meeting during which the item is discussed and/or voted upon; and
- 3) File a written disclosure of the nature of the conflict with the person responsible for recording the minutes of the meeting, within 15 days after the vote. *See* Section 112.3143, Fla. Stat.; *See also*, State Form 8B, “Memorandum of Voting Conflict for County, Municipal and other Public Officers”, available at the Florida Commission on Ethics website, www.ethics.state.fl.us

We hope this provides you with general considerations for County board members. Please also review COE memorandum titled “Ethical issues for potential Advisory Board Members”: http://ethics.miamidade.gov/library/2015-publications/ethical_issues_for_potential_advisory_board_members_8-15.pdf

In the event that you have a question in connection with a specific matter coming before the MTF for a vote, it would be appropriate to seek an opinion from this office.

Sincerely,

RADIA TURAY

Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
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Miami, FL 33130
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From: dave@techmiami.net [<mailto:dave@techmiami.net>]
Sent: Thursday, February 23, 2017 4:05 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Re: Millennial Task Force & Written Request Letter

Greetings Radia,

- 1) No
- 2) No
- 3) Yes

Thank you and looking forward.

Dave

Sent from my iPhone

On Feb 23, 2017, at 4:01 PM, Turay, Radia (COE) <Radia.Turay@miamidade.gov> wrote:

Hello Dave,

I had a few quick questions:

- 1) Does Tech Miami currently have any contracts with and/or receives any grants from Miami-Dade County?
- 2) Has Tech Miami applied for any RFP's or some other type of contract/grant pending from any Department in Miami-Dade County?
- 3) Is Tech Miami a County vendor ?

I believe based on our previous conversations that the answer to both questions are "no" but I just want to make sure as I am finalizing the opinion.

Thanks,
Radia.

From: TECH Miami [<mailto:dave@techmiami.net>]
Sent: Tuesday, February 14, 2017 5:17 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Millennial Task Force & Written Request Letter

Greetings Radia,

As per your request, please see the attached resolution for the Millennial Task Force.

As per your request for the written opinion, here is a description of what my company Tech Miami Inc. does:

" * R&D on the governance and business model for Smart Cities & Digital Infrastructure
* Sourcing & reporting on disruptive emerging (new) technologies & economic impacts for senior government & real estate development executives

Current research includes strategies around revenue models for building and sustaining smart city infrastructure vs. just cost savings and modernization efforts. Developing P3 global frameworks for strategic partnerships to support digital public infrastructure for smart cities, in relation to increased automation and leaning of the global labor force leading to dynamically reduced government revenue to support critical infrastructure needs. Topics include cybersecurity, new business and revenue models development for government, diversity and inclusion in entrepreneurship to support new market growth, disruption and innovation of community and economic development, uses of AI, blockchain in fintech & smart contracts in public sector enterprise cloud and mobile."

As we discussed, the work my company does isn't directly or indirectly tied to the conversations the task force will be discussing, as the task force isn't technology or infrastructure focused. I am requesting this written opinion to understand which potential resolution items and/or policies I must abstain from, avoid, etc. & mitigation of potential issues later in my elder years. I am working hard now to establish an ethical foundation to my company and this work, as this is desperately needed in Dade-County for the next generation of leaders.

Thank you again for meeting with me and for your time. I look forward to seeing your written ethics opinion/letter.

David Capelli
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