



**Miami-Dade Commission on Ethics & Public Trust**  
**Report of Inquiry**

**Investigator:** Sylvia Batista

<b>Case:</b> PI18-052	<b>Case Name:</b> Mayor Daniel E. Dietch, Town of Surfside,	<b><u>Date Opened:</u></b>	
<b>Complainant(s):</b> Anonymous	<b>Subject(s):</b> Voting on matters affecting CH2MHill's interests.	10/23/18	<b>CASE CLOSED</b>

**Allegation(s):**

Date: 2/5/19

Based on anonymous information, an inquiry was initiated by the COE to determine whether Town of Surfside Mayor, Daniel E. Dietch (Dietch), has voted on items which may reasonably enhance the financial status of his employer, CH2MHill in which he has ownership interest. Dietch is a management employee in the solid waste division of CH2MHill and owns stock and receives stock options based on the performance of the company.

The anonymous information provided to the COE advised that Dietch had participated in the February 13, 2018 Town Commission meeting by sponsoring resolutions that directly enhance his employer's "political and financial interest."

**Background:**

In January 2017, days before a Surfside Town Commission meeting held on 01/10/17, Dietch requested an Ethics Opinion inquiring as to whether he could vote on an item supporting the Biscayne Bay Coastal Wetlands Project (BBCW). In his request, Dietch informed the COE that he owns stock in CH2MHill and receives stock options based on the company's performance.

On 01/04/17, the COE provided Dietch with an Ethics Opinion wherein he was advised that because of his ownership interest in CH2MHill and the reasonable possibility that the company would profit or be enhanced by approval of the Item, he should recuse himself from the vote. Accordingly, Dietch recused himself and the item was approved without his participation.

**Relevant Laws:**

Section 2-11.1(d) *Voting Conflicts*, and (n) *Actions prohibited when financial interests involved*, the Conflict of Interest and Code of Ethics Ordinance.

INQ 17-03 of the Miami-Dade Commission on Ethics and Public Trust.

**Investigation:**

***Meetings Minutes Reviewed:***

**12/10/18 – Guillermo Olmedillo, Town Manager –**

Guillermo Olmedillo (Olmedillo) was provided copies of the anonymous letter received by the COE, the ethics opinion provided to Dietch on 01/04/17, Minutes of the Regular Town Commission Meeting of 02/13/18, Resolution 2018-2484 adopted on 02/13/18, and Resolution Cover Memorandum. The items were provided to Olmedillo so that he could provide information as to whether Dietch had a voting conflict when he voted for the approval of the subject Resolutions at the 02/13/18 Town Commission meeting.

Olmedillo explained that the resolutions approved on 02/13/18 involve a joint effort between the U.S. Army Corps of Engineers and South Florida Water Management District. The objective of the resolution is to implement the renourishment of the beach which the Town has been trying to accomplish for the last nine (9) years. Presently, the County and the State are involved. The project involves an area of 300,000 cubic yards over one mile of beach. The project is linked to the South Atlantic Coastal Study (the Study) which supports the renourishment.

Olmedillo advised that the project is not funded by the Town. It is a joint effort by the South Florida Water Management District and DERM coordinated with the U.S. Army Corps of Engineers. Olmedillo said that he does not know whether CH2MHill is one of the subcontractors or consultants involved in the project. Olmedillo said that he is not aware of any contract between the Town and CH2MHill. Olmedillo said that Dietch recently informed him that he no longer works with CH2MHill. Olmedillo said that he does not know where Dietch is presently working.

Olmedillo said that the Town is only one of the beneficiaries of the sand project. The purpose of Resolution 2018-2484 is to ask the federal government to apply the money for the project.

**01/22/19 Mayor Daniel Dietch –**

Dietch was advised as to the investigation being conducted by the COE. Dietch said that he resigned from his employment at CH2MHill at the end of November 2018. He is now working for SCS Engineers as a Project Director.

Dietch explained that he participated in the discussion and vote for two Urging Resolutions at the 02/13/18 Town of Surfside Commission meeting. The first item was a Sand Sourcing Study Urging Resolution (Agenda Item 3H), which urged Congress to fund the study of foreign sand

use in beach renourishment projects in order to support and assist in the replenishing of local and Florida beaches with foreign sand. Foreign sand was used some twenty (20) years ago to renourish the Town's beach. The foreign sand however, is no longer available. This resolution has nothing to do with CH2MHill (which is now Jacobs Engineering.)

Dietch explained that the second item was a South Atlantic Coastal Study Urging Resolution (Agenda Item 3I), which urged Congress to expedite funding of the South Atlantic Coastal Study previously authorized by Congressional Act to study, prioritize and fund beach renourishment. They are getting the Federal government and the County to line up the funds. The study was originally created by the US Corps of Engineers (USCE). The Federal government will pay for 50% of the study, the County 25% and the Town for 25%. The USCE has been working to line up the study to renourish the beach. Again, this has nothing to do with CH2MHill (Jacobs).

Dietch explained that the South Atlantic Coastal Study is to make beach renourishment a priority. It encourages the option of renourishment. The study does not fund the renourishment.

Dietch said that both Urging Resolutions are clearly distinguishable from the 01/10/17 Resolution where he sought an opinion and subsequently recused himself. That Resolution related to the Biscayne Bay Coastal Wetlands Program.

Both Urging Resolutions are aligned with the Town's critical efforts to receive a long-awaited beach renourishment project. Dietch concluded by saying that neither Urging Resolution relates to his former employer, CH2MHill, or the Biscayne Bay Coastal Wetlands Program.

### **Document Review –**

01/04/17 – Ethics Opinion from Joseph Centorino requested by Dietch inquiring as to whether he had a conflict of interest to vote on a resolution scheduled to come before the Town Commission on 01/10/17. The resolution urged for legislative support for expansion of Biscayne Bay Coastal Wetlands Program as part of the Comprehensive Everglades Master Plan project. The project is between the US Army Corps of Engineers and the South Florida Water Management District.

In his inquiry to the COE, Dietch informed that he is an employee in the solid waste division of CH2MHill, owns stock in the company and receives stock options based on the performance of the company.

Dietch was advised by the COE that even though his employer, CH2MHill, is not directly impacted by the resolution, it will benefit by its approval in a manner that would ultimately benefit Dietch. For this reason, Dietch has a voting conflict and should not vote on the item.

01/10/17 – Town Commission Meeting – Resolution No. 17-2413 Supporting the Biscayne Bay Coastal Wetlands Project passed unanimously while Dietch recused himself from the vote in compliance with the ethics opinion provided by the COE.

02/13/18 – Resolution Cover Memorandum on the subject of South Atlantic Coastal Study Urging Resolution. The objective of the resolution is to approve and transmit the South Atlantic Coastal Study Urging Resolution to U.S. Senators, Congresswoman, Members of the Florida Congressional Delegation, the Governor of Florida and the Mayors of coastal communities in Miami-Dade County.

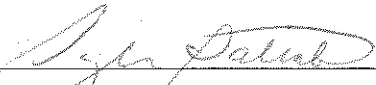
02/13/18 – Resolution No. 2018-2484 urging the U.S. Congress to support language in the FY 2018 federal appropriations bill and the 2018 disaster recovery supplemental providing for 100% funding of the South Atlantic Coastal Study. Dietch sponsored and voted on the item which was unanimously approved.

01/04/19 – Public Records Request submitted to the South Florida Water Management District and the U.S. Corps of Engineers requesting a list of all contractors and subcontractors involved in the South Atlantic Coastal Study. In response, the COE was provided with the name and contact information of the US Army Corps of Engineer Program Manager of the South Atlantic Coastal Study.

01/16/19 – E-mail from Jacki Keiser, the Program Manager for the South Atlantic Coastal Study, replied to the public records request by stating that there are no contractors or subcontractors involved in the study at this early stage.

**Conclusion:**

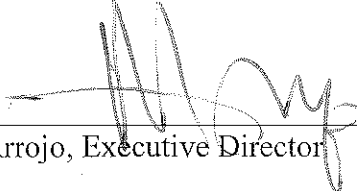
After discussion with the Ethics Advocate, it was determined that Dietch did not have a voting conflict in voting on the two Urging Resolutions passed at the 02/13/18 Town of Surfside Commission meeting. Any possible benefit to his employer at the time, CH2MHill/Jacobs was too remote and speculative. Accordingly, this matter can be closed with no further action.

  
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Sylvia Batista, COE Investigator

Date: 2/6/19

  
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Michael Murawski, Advocate

Date: 2/5/19

  
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Jose Arrojo, Executive Director

Date: 2/5/19