

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, May 18, 2018 9:35 AM
To: Sanchez, Rodzandra (COE)
Subject: Thomas B. Davis, Esq., Director of Policy and Legislation Division, Miami-Dade County Office of Commission Auditor (Voting Conflict/Appearance of Impropriety re: OCA - Project No. E-17-MDAD-04 - Stormwater Sampling and Monitoring) INQ 18-119
Attachments: Project No. E17-MDAD-04 - Stormwater Sampling and Monitoring.pdf

INQ 18-119 Davis

From: Centorino, Joseph (COE)
Sent: Thursday, May 17, 2018 10:53 AM
To: Davis, Thomas (OCA) <Thomas.Davis@miamidade.gov>; Amores, Cristina (ISD) <Cristina.Amores@miamidade.gov>; Martinez, Angie (OCA) <Angie.Martinez@miamidade.gov>; Edwards, Phillip G. (OCA) <Phillip.Edwards@miamidade.gov>; Johnson, Jannesha (OCA) <Jannesha.Johnson@miamidade.gov>; Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>
Subject: INQ 18-119 Thomas B. Davis, Esq., Director of Policy and Legislation Division, Miami-Dade County Office of Commission Auditor (Voting Conflict/Appearance of Impropriety re: OCA - Project No. E-17-MDAD-04 - Stormwater Sampling and Monitoring)

Mr. Davis:

This is in response to your memo of 5/9/2018 regarding the Selection Committee on Project No. E-17-MDAD-04. The memo was submitted in compliance with R-449-14 to advise the Ethics Commission of potential conflicts involving County selection committee members. The memo indicates that Mr. Miguel Riera, an engineer in the Miami-Dade County Aviation Department and a voting member of the selection committee, disclosed in his neutrality/disclosure form that he was previously employed (05/96-06/97) by Milian, Swain and Associates, Inc., a respondent on the project. Mr. Riera also stated that he has no financial investments or interest in the company. I have spoken further with Mr. Riera and ascertained from him that, other than a cordial professional relationship with the company, he has no close personal friendships with individuals at the company and no other familial or other personal ties to the company. He believes that he can be completely fair in the process, and that his judgment would not be affected by his prior employment relationship with Milian.

Based on the foregoing, it is my opinion that Mr. Riera has none of the relationships with the company, nor any direct interest in the contract, that would create a voting conflict of interest for him in participating on this selection committee. In addition, the remoteness and brevity of his employment with the company, and lack of any current close relationships with individuals at the company would not, in my opinion, create any appearance of impropriety or unfairness that would undermine the public's trust in the selection committee's decision-making. I see no reason why he should not participate on this committee.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
ethics.miamidade.gov



From: Martinez, Angie (OCA)
Sent: Wednesday, May 09, 2018 1:07 PM
To: Amores, Cristina (ISD) <Cristina.Amores@miamidade.gov>
Cc: Davis, Thomas (OCA) <Thomas.Davis@miamidade.gov>; Edwards, Phillip G. (OCA) <Phillip.Edwards@miamidade.gov>; Johnson, Jannesha (OCA) <Jannesha.Johnson@miamidade.gov>; Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: OCA - Project No. E-17-MDAD-04 - Stormwater Sampling and Monitoring

This email is being sent to you on behalf of Mr. Thomas B. Davis, Esq., Director of Policy and Legislation Division.

Angie Martinez, Executive Secretary

Office of the Commission Auditor

111 NW 1st. Street, Suite 1030

Miami, FL 33128

Telephone (305) 375-2524

Fax (305) 679-7990

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**BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**

M E M O R A N D U M

TO: Cristina Amores, Non-Voting Chairperson,
ISD Procurement Management

FROM: Thomas B. Davis, Esq., Director
Policy & Legislation Division *Thomas B. Davis*

DATE: May 9, 2018

SUBJECT: **Appointment of Selection Committee for Miami-Dade Aviation
Department Request to Advertise for Stormwater Sampling and
Monitoring – Project No. E17-MDAD-04**

Pursuant to Resolution No. R-449-14 dated May 6, 2014, the Office of Commission Auditor (OCA) is directed to conduct background checks on members serving on evaluation or selection committees.

Findings: Mr. Miguel J. Riera stated on his resume and neutrality/disclosure form that he was previously employed by Milian, Swain, and Associates, Inc. (05/96 – 06/97) and does not have any financial investments and/or interest in this company. Milian, Swain, and Associates are respondents on this project.

The results of the background check will be submitted to the Internal Services Department or other County Department overseeing and administering the competitive procurement process as well as the Commission on Ethics, if applicable.

The voting members of the selection committee are:

- Guillermo Garcia, Miami-Dade Aviation
- Ileana Quintana, Water and Sewer Department
- Julia Balogh, Department of Regulatory and Economic Resources
- Herbert Balfour, Department of Regulatory and Economic Resources
- Peter Jelonek, Water and Sewer Department (*Alternate*)
- Doraida Rodriguez, Department of Transportation and Public Works (*Alternate*)

The non-voting member of the selection committee is:

- Cristina Amores, Non-Voting Chairperson

Findings: Pursuant to Resolution No. R-449-14, OCA completed the required background research concluding there were no adverse findings for the voting and non-voting selection committee.

c: Namita Uppal, Chief Procurement Officer, ISD
Joseph Centorino, Executive Director, Commission on Ethics and Public Trust