

## Sanchez, Rodzandra (COE)

---

**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, January 25, 2018 2:01 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Jie Bian, Principal Planner, MDC Dept. of Transportation and Public Works (voting conflict, County Advisory Board) INQ 18-20

INQ 18-20 Bian

---

**From:** Turay, Radia (COE)  
**Sent:** Thursday, January 25, 2018 11:44 AM  
**To:** 'Charesse Chester' <[cchester@creativisionmedia.com](mailto:cchester@creativisionmedia.com)>  
**Cc:** Bian, Jie (DTPW) <[Jie.Bian@miamidade.gov](mailto:Jie.Bian@miamidade.gov)>; Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>; Cejas, Monica (DTPW) <[Monica.Cejas@miamidade.gov](mailto:Monica.Cejas@miamidade.gov)>; John Kulpa <[john.kulpa@aecom.com](mailto:john.kulpa@aecom.com)>  
**Subject:** INQ 18-20, Jie Bian, Principal Planner, MDC Dept. of Transportation and Public Works (voting conflict, County Advisory Board)

Dear Ms. Bian,

You requested an opinion regarding whether Village of Palmetto Bay Councilman David Singer may participate as a member of the Project Advisory Group (PAG) that is being formed by the Miami-Dade County Department of Transportation and Public Works ("the Department") as part of its Public Involvement Plan to provide public participation in the decision-making process related to the South Corridor Rapid Transit Project. This question is being ask in light of the fact that Councilman Singer is an employee of the Berkowitz Development Group, which leases Dadeland Station property to the Department. He is the only elected official from Village of Palmetto Bay that will serve on the PAG.

As background, PAG is being formed by the Department on its own initiative. It is not the subject of a County Ordinance or Resolution mandating its formation. The PAG has no official decision-making authority and will not take any votes in connection with the making of any recommendations by the group to the decision-makers on the project. The PAG will convene to allow its members to voice opinions and provide input to decision-makers, not acting as a group, but rather as a gathering of individuals whose opinions are being solicited by the Department.

In INQ 17-196, the COE staff found that this PAG is not a County advisory board or agency, whose members would be subject to the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance pursuant to Section 2-11.1(b)(4). The opinion indicates that this PAG is akin to a "focus group," a group of citizens convened for the purpose of receiving input from persons whose opinions are desired in order to gauge overall public opinion on a matter of public concern.

Additionally, INQ 17-196 states that as "no votes will be taken by members of this PAG, there is no voting conflict to consider under Section 2-11.1(v) of the Code." It further indicates that "the other conflict of interest provision of the Code would not apply to the members of this PAG, who are not in the position of exercising any official authority or influence as a body."

Based on the findings in INQ 17-196 regarding this PAG, it does not appear that any prohibited conflict of interest exists under the County Ethics Code that would prevent Councilman Singer from participating in this PAG.

As stated in INQ 17-196, "the fact of an individual's having a personal or financial stake in the outcome of the project should not, by itself, disqualify anyone from participating where such interests are publicly disclosed. However, the

Department retains the discretion over which individuals to appoint to this project in order to insure that it receives balanced input from its members, and it may, on its own accord, decide against including certain individuals in order to avoid any appearance that its decisions have been subject to inappropriate influences.”

This opinion is limited to the facts that you presented to the Commission on Ethics regarding conflicts under the County Ethics Code only. Other conflicts, based on County department directives, municipal ordinances, or under state law, may apply. Questions regarding possible conflicts based on Department directives should be referred to the Department supervisor or the Mayor’s office. Questions regarding the Village of Palmetto Bay’s municipal ordinances should be referred to the Village of Palmetto Bay’s Village Attorney. Questions regarding the state ethics laws should be addressed to the State of Florida Commission on Ethics.

If you have additional questions, please feel free to contact us.

Sincerely,

## **RADIA TURAY**

Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 350-0601  
Fax: (305) 579-0273  
Ethics.miamidade.gov

---

**From:** Charesse Chester [<mailto:cchester@creativisionmedia.com>]  
**Sent:** Thursday, January 25, 2018 11:23 AM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Cc:** Bian, Jie (DTPW) <[Jie.Bian@miamidade.gov](mailto:Jie.Bian@miamidade.gov)>; Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>; Cejas, Monica (DTPW) <[Monica.Cejas@miamidade.gov](mailto:Monica.Cejas@miamidade.gov)>; John Kulpa <[john.kulpa@aecom.com](mailto:john.kulpa@aecom.com)>  
**Subject:** Re: Project Advisory Group (PAG) Invitation for the CIP155 South Corridor Rapid Transit Project

Radia,

Singer is the only Palmetto Bay elected official on the PAG.

Charesse Chester  
Chief Creative Officer  
Creativision MEDIA  
633 NE 167th Street, Suite 600  
Miami, Florida 33162  
Office: 305-944-7564  
SBE & DBE Certified  
[www.creativisionmedia.com](http://www.creativisionmedia.com)

On Jan 25, 2018, at 11:08 AM, Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)> wrote:

Good morning Ms. Bian,

I have two quick questions:

- 1) Is there any other Councilmember from the Village of Palmetto Bay that will serve on the PAG?
- 2) If so, would the meetings of the PAG be compliant with the Sunshine law (open to the public, reasonable notice, minutes recorded, etc)

Thanks,  
Radia.

---

**From:** Bian, Jie (DTPW)  
**Sent:** Thursday, January 25, 2018 10:06 AM  
**To:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>; Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Cc:** Cejas, Monica (DTPW) <[Monica.Cejas@miamidade.gov](mailto:Monica.Cejas@miamidade.gov)>; Chester, Charesse [CREATIVISIONMEDIA] <[cchester@creativisionmedia.com](mailto:cchester@creativisionmedia.com)>; John Kulpa <[john.kulpa@aecom.com](mailto:john.kulpa@aecom.com)>  
**Subject:** RE: Project Advisory Group (PAG) Invitation for the CIP155 South Corridor Rapid Transit Project

Thank you Mr. Centorino!

Radia,  
Please let me know if you have any questions.  
Thank you,  
Jie

---

**From:** Centorino, Joseph (COE)  
**Sent:** Thursday, January 25, 2018 9:59 AM  
**To:** Bian, Jie (DTPW) <[Jie.Bian@miamidade.gov](mailto:Jie.Bian@miamidade.gov)>  
**Cc:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Subject:** RE: Project Advisory Group (PAG) Invitation for the CIP155 South Corridor Rapid Transit Project

Ms. Bian,

This matter was assigned to Staff Attorney Radia Turay, who should be in touch with you shortly.

### *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](http://ethics.miamidade.gov)

<image001.jpg>

---

**From:** Bian, Jie (DTPW)  
**Sent:** Wednesday, January 24, 2018 4:44 PM  
**To:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Cc:** John Kulpa <[john.kulpa@aecom.com](mailto:john.kulpa@aecom.com)>; Chester, Charesse [CREATIVISIONMEDIA]

<[cchester@creativisionmedia.com](mailto:cchester@creativisionmedia.com)>; Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>; Perez, Martha D. (COE) <[Martha.Perez2@miamidade.gov](mailto:Martha.Perez2@miamidade.gov)>; Diaz-Greco, Gilma M. (COE) <[Gilma.Diaz-Greco@miamidade.gov](mailto:Gilma.Diaz-Greco@miamidade.gov)>

**Subject:** RE: Project Advisory Group (PAG) Invitation for the CIP155 South Corridor Rapid Transit Project  
**Importance:** High

Good afternoon Mr. Centorino,

For your convenience, please see the attached email you sent to Mr. Infante with your letter of Ethics opinion for him. Please let us know if you can provide us your advice on Mr. Singer as soon as possible. Our PAG meeting is scheduled to be on next Tuesday, Jan 30. It would be great if we can receive your advice before that.

Your help will be greatly appreciated!

Thank you,  
Jie

---

**From:** Charesse Chester [<mailto:cchester@creativisionmedia.com>]  
**Sent:** Tuesday, January 23, 2018 3:59 PM  
**To:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Cc:** Bian, Jie (DTPW) <[Jie.Bian@miamidade.gov](mailto:Jie.Bian@miamidade.gov)>; John Kulpa <[john.kulpa@aecom.com](mailto:john.kulpa@aecom.com)>  
**Subject:** Fwd: Project Advisory Group (PAG) Invitation for the CIP155 South Corridor Rapid Transit Project

Good afternoon Mr. Centorino,

On August 10, 2017, your office issued an ethics opinion on whether or not property owner, Rene Infante can serve on the Project Advisory Group, South Corridor Rapid Transit Project.

Today, we received request for an ethics opinion from another potential member.

Village of Palmetto Bay Councilman David Singer has been invited to serve on the Department of Transportation and Public Works (DTPW) South Corridor Rapid Transit Project, Project Advisory Group (PAG).

Mr. Singer has requested an ethics opinion to determine if his employment with the Berkowitz Development Group, which leases Dadeland Station property to DTPW, would create a conflict for him as a DTPW PAG member. His concerns are further explained in his email below.

Please let me know if additional information is required.

Thanks,

Charesse Chester  
Chief Creative Officer  
Creativision MEDIA  
633 NE 167th Street, Suite 600  
Miami, Florida 33162  
Office: 305-944-7564  
SBE & DBE Certified

Begin forwarded message:

**From:** "Bian, Jie (DTPW)" <[Jie.Bian@miamidade.gov](mailto:Jie.Bian@miamidade.gov)>  
**Date:** January 23, 2018 at 2:36:52 PM EST  
**To:** "[dsinger@palmettobay-fl.gov](mailto:dsinger@palmettobay-fl.gov)" <[dsinger@palmettobay-fl.gov](mailto:dsinger@palmettobay-fl.gov)>  
**Cc:** "Chester, Charesse [CREATIVISIONMEDIA]" <[cchester@creativisionmedia.com](mailto:cchester@creativisionmedia.com)>, "Cejas, Monica (DTPW)" <[Monica.Cejas@miamidade.gov](mailto:Monica.Cejas@miamidade.gov)>  
**Subject:** RE: Project Advisory Group (PAG) Invitation for the CIP155 South Corridor Rapid Transit Project

Thank you Mr. Singer for your interest in serving as a PAG member for our South Corridor Rapid Transit Project.

I will consult with our PIO and see if we need to seek ethics opinion from the County's Commission on Ethics and Public Trust before we can include you as an official PAG member.

I will keep you updated.

Jie

---

**From:** David Singer [<mailto:dsinger@palmettobay-fl.gov>]  
**Sent:** Tuesday, January 23, 2018 1:47 PM  
**To:** Bian, Jie (DTPW) <[Jie.Bian@miamidade.gov](mailto:Jie.Bian@miamidade.gov)>  
**Subject:** Re: Project Advisory Group (PAG) Invitation for the CIP155 South Corridor Rapid Transit Project

Jie Bian,

Thank you for your consideration. I would be happy to join but prior to doing so I will need a letter from your departments attorneys stating the due to the fact I am an employee of Berkowitz Development Group and since one of our properties "Dadeland Station" is leased from Miami Dade Transit, there would be no conflict of interest on my behalf.

As stated, I am very interested and feel I could be an asset to the advisory group but prefer not to have any ethical claims against myself or the company I work for.

Thank you

David Singer  
Council Seat 2  
Village of Palmetto Bay  
(305) 903-3700

On Jan 22, 2018, at 12:40 PM, Bian, Jie (DTPW) <[Jie.Bian@miamidade.gov](mailto:Jie.Bian@miamidade.gov)> wrote:

Dear Councilmember Singer,

Please see attached invitation to participate in the Project Advisory Group (PAG) for the SMART Plan (CIP155) South Corridor

Rapid Transit Project. Also attached is our project fact sheet.  
Please let me know if you have any questions.

Sincerely,

**Jie Bian**, Principal Planner

**Miami-Dade County Department of Transportation and Public Works**

701 NW 1<sup>st</sup> Court, 15<sup>th</sup> Floor, Miami, Florida 33136

786-469-5245 Phone 786-469-5572 Fax

[www.miamidade.gov/transit](http://www.miamidade.gov/transit)

**Connect With Us** on [Twitter](#) | [Facebook](#) | [Instagram](#)

*Please consider the environment before printing this email.*

*Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. Email messages are covered under such laws and thus subject to disclosure.*

<2017 0526 CIP 155 South Corridor Fact Sheet - FINAL  
(updated).pdf>

<CIP 155 South Corridor PAG - Councilmember David  
Singer.pdf>