

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Wednesday, February 07, 2018 1:42 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Maria Llevano Cruz, Lobbyist, Florida East Coast Industries, LLC (Cone of Silence) INQ 18-35

[INQ 18-35 Cruz](#)

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**From:** Centorino, Joseph (COE)  
**Sent:** Wednesday, February 07, 2018 1:37 PM  
**To:** 'maria.cruz@feci.com' <maria.cruz@feci.com>  
**Cc:** Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>; Rosenthal, Oren (CAO) <Oren.Rosenthal@miamidade.gov>  
**Subject:** INQ 18-35 Maria Llevano Cruz, Lobbyist, Florida East Coast Industries, LLC (Cone of Silence)

Ms. Cruz:

This is in response to your inquiry concerning whether discussions between you or other registered lobbyists at Florida East Coast Industries, LLC (FECI), would violate the County Cone of Silence, Section 2-11.1(t) of the County Ethics Code, in connection with a pending unsolicited proposal that has been presented by your company to the County for development of a new downtown courthouse. Because there has not yet been any advertised bid, RFQ or RFP concerning the proposal by FECI, that proposal would not ordinarily fall within the Cone of Silence at this point in the process, although provisions of Section 287.05712, Florida Statutes, would require that there be an open competitive process regarding the proposal should the County decide to pursue it. What has complicated the issue, however, is the fact that, with FECI's unsolicited proposal pending consideration, the County has advertised an RFQ for the construction of a downtown courthouse at a different location from the one suggested in FECI's proposal. The County initiated this process fully aware of the pending unsolicited proposal by FECI, upon which it has not yet acted. Due to concerns raised by you on behalf of FECI concerning public statements made by County officials regarding FECI's proposal that you believe to be inaccurate, you or other representatives of FECI are interested in speaking with County officials in an effort to clarify FECI's version of the proposal.

Although the unsolicited proposal of FECI, by itself, has not triggered the application of the Cone of Silence, the Cone has been invoked on the County's RFQ process as of the time of its advertisement. Both the RFQ and FECI's proposal are aimed at an important, highly visible and somewhat controversial project to develop a new County courthouse that would provide a remedy to the perceived inadequacies and shortcomings of the existing courthouse facilities. It is difficult to conceive how, at this point, discussions regarding the FECI proposal between FECI representatives and County officials could occur without some reference to the RFQ. There is no likelihood that both proposed projects could simultaneously occur. There is a possibility that, in the event that the County should proceed with a competitive process on the FECI proposal, other firms that might be responding to the RFQ could also respond in that process. Also, there is the possibility that FECI could become a respondent to the County's RFQ. The issues regarding both projects are obviously so inextricably intertwined as to make it impossible to conduct discussions or negotiations separately on each project. Such discussions at this point would be prohibited by Section 2-11.1(t) of the Ethics Code as violations of the County Cone of Silence.

There are exceptions to the general rule against communicating with County staff or officials. Questions purely about process or procedure may be asked and answered. The County Attorney's Office and Commission on Ethics staff may also be communicated with concerning any concerns or questions FECI may have about the process. In the event that

FECI and its representatives wish to address any perceived misunderstanding or inaccurate information regarding its proposal, it may do so in writing, provided that a copy of the communication be filed with the County Clerk as a public record and made available to all interested parties. It must be stressed, however, that oral communications with County officials or staff that are intended to influence the decision-making process on either the FECI proposal or the County RFQ would likely violate the Cone of Silence. Such violations have significant civil and criminal penalties, including the possibility that a resulting award made to a party that violates the Cone could be rendered voidable.

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

