

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, April 11, 2018 1:45 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Willy Macias, System Safety Supervisor, DTPW, Limitation on Transacting Business with County, INQ 18-86
Attachments: Ethics Opinion Request - Macias.pdf; Ethic Opinion Request Form - executed.pdf; Macias Letter INQ 18-86.pdf

INQ 18-86 Morales

From: Perez, Martha D. (COE)
Sent: Wednesday, April 11, 2018 12:11 PM
To: jorge@jorgemoraleslawfirm.com
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Willy Macias, System Safety Supervisor, DTPW, Limitation on Transacting Business with County, INQ 18-86

Dear Mr. Morales,

Attached is a Limitations on Doing Business with the County ethics opinion letter. Please note that it indicates that WM7 GROUP LLC may enter into contracts with Miami-Dade County but not with the Miami-Dade County Department of Transportation and Public Works (DTPW).

You may print this letter and have Mr. Macias submit it to the Procurement Division. I will send you the original letter via regular mail. Please contact me should you have any other questions.

Sincerely,

Martha D. Perez
Staff Attorney
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
19 West Flagler St. Suite 820
Miami, FL 33130
(305)350-0656
PEREZMD@miamidade.gov

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From: Ethics (COE)
Sent: Thursday, April 05, 2018 9:35 AM
To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: FW: Ethics Opinion Request

Please handle. Thanks.

From: Jorge Morales [<mailto:jorge@jorgemoraleslawfirm.com>]
Sent: Wednesday, April 04, 2018 6:29 PM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: Ethics Opinion Request

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Good afternoon,

Please see attached request on behalf of my client, Mr. Willy Macias, who is currently employed Miami-Dade county's Department of Transportation and Public Works as a System Safety Supervisor. If you require additional information please do not hesitate to contact me.

Best,

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Jorge L. Morales, Esq.

Attorney & Counselor at Law
Jorge Morales Law Firm
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EXECUTIVE DIRECTOR
GENERAL COUNSEL
Michael P. Murawski
ADVOCATE

Via First Class Mail
and email at: www.jorgemoraleslawfirm.com

April 10, 2018

Mr. Jorge Morales, Esq.
8660 West Flagler St. Suite 214
Miami, FL 33144
(On behalf of Willy I. Macias, MDC employee)

*Please submit this letter to
the Procurement
Department. The Ethics
Commission does not submit
this letter on the employee's
behalf*

Re: INQ 18- 86, Limitations on Doing Business with the County

Dear Mr. Morales:

WM7 Group LLC may enter into contracts with Miami-Dade County but not with the Miami-Dade Department of Transportation and Public Works (DTPW).

This opinion is based on the following facts and legal analysis:

On April 4, 2018, you asked on behalf of your client, Willy I. Macias about limitations in doing business with the County through his privately owned company, WM7 Group LLC. Mr. Macias is employed as a System Safety Supervisor working in the DTPW. His responsibilities consist of reviewing, conducting and supervising complex safety engineering studies in areas impacting transit facilities, vehicles and equipment and construction projects adjacent to transit corridors and facilities. Mr. Macias is the owner and sole shareholder of WM7 Group LLC, where he performs the services of a general contractor, focusing on commercial and residential pre-construction consulting and natural disasters and storm damage restoration.

OUTSIDE EMPLOYMENT

Work conducted for one's privately owned company constitutes outside employment. The Ethics Code prohibits County employees from engaging in conflicting outside employment. Mr. Macias will be required to obtain permission to engage in outside employment annually from his supervisor and file related outside employment statements every year. Conflicting employment is sometimes created when a County employee comes in contact with the same or similar people or entities in both his outside employment and

in his County job or when he uses the same or similar resources in his outside employment as he uses in his County work. *See* the County Code at Secs. 2-11.1 (g) and (j).

Please note that this letter does not grant Mr. Macias permission to engage in outside employment. He must obtain permission to engage in outside employment annually from his supervisor and file related outside employment financial forms every year.

CONTRACTING WITH THE COUNTY

Once Mr. Macias has been granted permission to engage in outside employment, he may enter into a County contract through his privately owned company, WM7 Group LLC, as long as the contract does not interfere with the full and faithful discharge of his duties to the County. *See* the County Ethics Code at Secs. 2-11.1 (c)(2) and (d).

This includes the condition that Mr. Macias may not participate in determining the contract requirements or in awarding the contract. Additionally, none of his job responsibilities and job descriptions may require him to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. Finally, Mr. Macias may **not** work in any County department that would enforce, oversee or administer this contract. Consequently, WM7 Group LLC may not enter into contracts with DTPW. To this end, it is imperative that any of Mr. Macias' responsibilities at DTPW, including the identification and prevention of hazards in construction projects adjacent to transit corridors and facilities do not involve WM7 Group LLC clients.

LOBBYING

Additionally, Mr. Macias may not lobby the County. In this case, he may not contact anyone within the County in an attempt to influence a decision about the contract he is seeking. *See* the County Ethics Code at Sec. 2-11.1 (m)(1).

This opinion construes the Miami-Dade County Ethics Code as it applies to County employee-vendors at Secs. 2-11.1 (c)(1) and (m)(1) only. It is not applicable to any conflicts under other sections of the County Code or to issues related to state or federal laws. If any of the facts you have presented on behalf of Mr. Macias change or if you have further questions, please feel free to contact me at 305 350-0656.

Sincerely,



Martha D. Perez
Staff Attorney



April 1, 2018

Miami-Dade County Commission on
Ethics and Public Trust
19 West Flagler, Suite 820
Miami, FL 33130

Re: Willy I. Macias – Ethics Opinion Request

To Whom It May Concern:

Mr. Willy I. Macias (Mr. Macias) has asked me to aid him in complying with the Miami-Dade County Procurement Management Services Division's request to obtain a Conflict of Interest Opinion from you. The Department of Transportation and Public Works (DTPW) in Miami-Dade County currently employs Mr. Macias. He serves as a System Safety Supervisor within the Safety and Security division. Mr. Macias main job duties is to review, conduct and supervise complex safety engineering studies in areas for which standards have not been developed and/or where modification appear to be necessary. His job requires him to identify and prevent hazards within existing transit facilities, vehicles and equipment, construction projects adjacent to transit right-of-way corridors and facilities. He utilizes scientific and engineering principles to identify hazards and helps with strategies to bring about safety in the overall realm of the Department of Transportation.

Mr. Macias owns and is sole shareholder of the WM7 Group LLC. The business specializes in providing services to individuals and companies who need a General Building Contractor. His position at WM7 Group LLC is as general contractor. His work as a contractor contains a safety and hazard element but is generally not the focus of it. His focus is pre-construction consulting, commercial construction, residential construction, luxury custom built homes, luxury custom interiors and natural disasters & storm damage restoration.

No Conflict in Contracting with County

Section 2-11.1. of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (January 2016) states as following:

(c) Prohibition on transacting business within the County.

(1) No person included in the terms defined in subsection (b)(1) through (6) and in subsection (b)(9) shall enter into any contract or transact any business, except as provided in subsections (c)(2) through (c)(6) in which he or she or a member of his or her immediate family has a financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. Willful violation of this subsection shall constitute malfeasance in office and shall effect forfeiture of office or position.

(2) County employees' limited exclusion from prohibition on contracting with the county. Notwithstanding any provision to the contrary herein, subsections (c) and (d) shall not be construed to prevent any employee as defined by subsection (b)(6) [excluding departmental personnel as defined by subsection (b)(5)] or his or her immediate family as defined by subsection (b)(9) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County, as long as (1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, (2) the employee has not participated in determining the subject contract requirements or awarding the contract, and (3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County, if the employee works in the county department which will enforce, oversee or administer the subject contract.

WM7 Group LLC will be procuring business from Miami-Dade County Procurement Management Services Division not the DPTW. His position within the DPTW does not bring him in contact with anyone whose job description it is to award contracts for entities embarking in county construction projects. Mr. Macias is not in a position to affect or influence decision-making in favor of a contract between Miami-Dade and WM7 Group LLC. Entering into contract with Miami-Dade will not interfere with the full and faithful discharge of his duties to the County and the DPTW will not be enforcing, overseeing, or administering the subject contract if one were to be awarded to his firm. Given Mr. Macias' limited role in his department, it is my opinion that there will no conflict of interest in his company contracting with Miami-Dade County for the purposes of construction of commercial property.

Please take this opportunity to assess further whether Mr. Macias, as owner and general contractor within the WM7 Group LLC will face conflict of interest if he pursues contracts awarded by the Miami-Dade County Procurement Team. If you have any questions or need additional documentation please feel free to contact me.

Best,

s/Jorge L. Morales

Jorge L. Morales, Esq.
Florida Bar No.: 98701

County Employees Wishing to Register as County Vendors

Please submit the following information by mail, fax, **or** email to—

Gilma Diaz-Greco, Staff Attorney
The Commission on Ethics & Public Trust
19 West Flagler St., Suite 820
Miami, FL 33130

Phone: (305) 350-0638
Fax: (305) 579-0273
Email: gdiazgr@miamidadecounty.gov

Employee's Name	Willy I. Macias
Employee's Dept.	The Department of Transportation and Public Works
Employee's Title	System Safety Supervisor
Business Name	WM7 Group LLC
Type of Business	Construction
Employee's Mailing Address	9970 SW 26th St, Miami, FL 33165
Employee's Daytime Phone	305-498-1109
Employee's Preferred Email	macias@wm7group.com
Immediate Family Members	none <i>(Please list the names, titles, and departments of any immediate family members currently employed by Miami-Dade Co.)</i>

The Miami-Dade County Conflict of Interest & Code of Ethics at § 2-11.1 (c)(2) allows County employees to contract with the County in certain circumstances and if the following criteria are met. Please confirm that you will meet all of these criteria:

1. Entering into a contract with the County will not interfere with the full and faithful discharge of my duties to the County.
2. I will not participate in determining the contract requirements.
3. I will not participate in awarding the contract.
4. My job responsibilities and job description will not require me to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination, or forbearance.
5. I will not be working in the County department that enforces, oversees, or administers the contract.

I have read these requirements and pledge to abide by them.

Signature



04/09/2018

Date

Your ethics opinion will be sent to you by first class mail and email, unless you request another type of delivery.

COE 11/2013