

Sanchez, Rodzandra (COE)

From: Anderson, Machell (COE)
Sent: Friday, April 12, 2019 2:36 PM
To: 'Jgimenez46@gmail.com'
Cc: Guillen, Kristina (RER); Sanchez, Rodzandra (COE)
Subject: INQ 19-43 Julio Gimenez, Miami Dade Steel, LLC
Attachments: INQ 19-43 Gimenez.pdf

Dear Mr. Gimenez,

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding relatives of Miami- Dade County employees or officials seeking to contract with the County. Attached is INQ 19-43 addressing your question. Please do not hesitate to contact us if you have any questions or if we may be of further assistance.

Cordially,

Machell Anderson
Executive Assistant
Miami-Dade Commission on Ethics and Public Trust
19 West Flagler Street, Suite 820
Miami, FL 33130
Machell.Anderson@miamidade.gov
Tel: (305) 350-0616
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MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST


19 West Flagler Street, Suite 820 · Miami, Florida 33130

Phone: (305) 579-2594 · Facsimile: (305) 579-0273

Website: ethics.miamidade.gov

MEMORANDUM

TO: Mr. Julio F. Gimenez, Principal
Miami Dade Steel, LLC

FROM: Jose J. Arrojo, Executive Director 
Commission on Ethics

SUBJECT: INQ 19-43, Sections 2-11.1 (c)(2) and (d), Mayor Carlos Gimenez,
Family member transacting with the County

DATE: April 12, 2019

CC: All COE Legal Staff,
Kristina Guillen, RER

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding relatives of Miami-Dade County employees or officials seeking to contract with the County.

Facts:

You advise that you are a principal of Miami Dade Steel, LLC and that while you are not a County employee, your father is the County Mayor.

Through your company, Miami Dade Steel, LLC you would like to purchase County owned land in deep south Miami-Dade County that is located close to the former Homestead Airforce Base. The planned use of land will be the development of a metal recycling facility and micro steel mill.

Issue:

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance ("County Ethics Code") would prevent Miami Dade Steel, LLC from transacting with the County, given your father's position as the County Mayor.

Discussion and Opinion:

Your inquiry involves several sections of the County Ethics Code which are analyzed below:

A. Contracting with the County

The County Ethics Code at Sections 2-11.1 (c)(2) and (d) allow you to transact and enter into a contract, individually or through a firm, with Miami-Dade County, as long as the contract does not interfere with the full and faithful discharge of your father's duties to the County.

This means that Mayor Carlos Gimenez shall not participate in any manner in the sale or purchase of the sought-after County owned property. *See* County Ethics Code §§ 2-11.1 (c) and (n).

B. Exploitation of Official Position

The County Ethics Code prohibits County employees from exploitation of their official position. In this instance, it means, again, that your father may not use his County position to secure **special privileges or exemptions** with respect to any County contract to which Miami Dade Steel, LLC is applying. *See* County Ethics Code § 2-11.1(g).

Your father has previously, by written memorandum, informed the Chair of the Board of County Commissioners, pursuant to Section 5.03(D) of the Miami-Dade Charter, that he has formally recused himself from participating in any decisions related to any projects involving Miami-Dade Steel, LLC. In doing so, pursuant to the Charter, the Chair of the Board of County Commissioners shall exercise and discharge the Mayor's authority and duties in any matters involving Miami-Dade Steel, LLC.

A copy of the Mayor's Recusal Memorandum is attached.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.



RELATIVES OF COUNTY EMPLOYEES WISHING to REGISTER as COUNTY VENDORS

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

The Commission on Ethics & Public Trust
19 West Flagler St., Suite 820
Miami, FL 33130

Phone: (305) 579-2594
Fax: (305) 579-0273
Email: ethics@miamidade.gov

YOUR Name Julio Francisco Gimenez

Name of your business Miami Dade Steel LLC

Type of Business Micro Steel Mill

Your Mailing Address 411 SW 9th Street Apt #3 Miami FL 33130

Your Daytime Phone 786 295-4378

Your Email JGIMENEZ46@GMAIL.COM

Name of County employee related to you Carlos A. Gimenez

Type of relationship-spouse? Child? Parent? Other? He's my father

County employee's department, if known Office of the Mayor

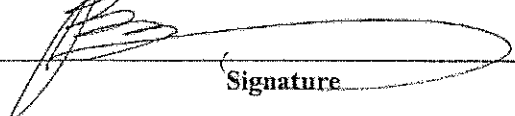
County employee's title, if known Mayor of Miami Dade County

Please list the names, titles and departments of any other immediate family members currently employed by Miami-Dade County N/A

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

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

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


Signature


4/2/2019
Date

Memorandum



Date: July 19, 2017

To: Honorable Chairman Esteban L. Bovo, Jr.,
Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Recusal from Future Projects Involving ECOSTEEL USA, LLC and Related Entities

This memorandum serves as my formal notice of recusal from participating in any decisions related to future projects involving ECOSTEEL USA, LLC, and any related entities.

Per Section 5.03(D) of the Miami-Dade Home Rule Charter, "in circumstances where the Mayor informs the Chairperson of the Board of County Commissioners in writing that he or she has a conflict of interest in the solicitation, evaluation, award or recommendation of award of contract," you, as Chairperson, "shall have all authority provided by this Charter or the Board to solicit, evaluate, award or recommend the award of such contract including, but limited to, the authority to recommend a bid waiver in writing."

Deputy Mayor Jack Osterholt will be your liaison for any projects involving ECOSTEEL or related entities, and will answer any questions.


c: Abigail Price-Williams, County Attorney
Geri Bonzon-Keenan, First Assistant County Attorney
Joe Centorino, Executive Director, Commission on Ethics and Public Trust
Jack Osterholt, Deputy Mayor, Office of the Mayor
Edward Marquez, Deputy Mayor, Office of the Mayor
Tara C. Smith, Director, Internal Services Department
Harvey Ruvim, Clerk of the Courts
Christopher Agrippa, Clerk of the Board

Memorandum



Date: April 27, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.,
Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Recusal from Projects Involving Miami Dade Steel, LLC, and Related Entities

On July 19, 2017, I advised the Board that I would recuse myself from participating in any decisions related to future projects involving ECOSTEEL USA, LLC, and any related entities (see attached). Since that date, ECOSTEEL has changed its name to Miami Dade Steel, LLC. Consequently, I am giving you formal notice of my recusal from participating in any decisions related to Miami Dade Steel, LLC, and any related entities.

Per Section 5.03(D) of the Miami-Dade Home Rule Charter, "in circumstances where the Mayor informs the Chairperson of the Board of County Commissioners in writing that he or she has a conflict of interest in the solicitation, evaluation, award or recommendation of award of contract," you, as Chairperson, "shall have all authority provided by this Charter or the Board to solicit, evaluate, award or recommend the award of such contract including, but limited to, the authority to recommend a bid waiver in writing."

Deputy Mayor Jack Osterholt will be your liaison for any projects involving Miami Dade Steel, LLC, and will answer any questions you may have.

Attachment

c: Abigail Price-Williams, County Attorney
Geri Bonzon-Keenan, First Assistant County Attorney
Joe Centorino, Executive Director, Commission on Ethics and Public Trust
Jack Osterholt, Deputy Mayor, Office of the Mayor
Edward Marquez, Deputy Mayor, Office of the Mayor
All Department Directors
Harvey Ruvín, Clerk of the Courts
Christopher Agrippa, Clerk of the Board