

## Sanchez, Rodzandra (COE)

---

**From:** Turay, Radia (COE)  
**Sent:** Tuesday, May 28, 2019 11:05 AM  
**To:** Sanchez, Rodzandra (COE)  
**Cc:** Diaz-Greco, Gilma M. (COE); Perez, Martha D. (COE)  
**Subject:** FW: INQ 19-55 Thomas B. Davis, Esq, Director of Policy and Legislation, Office of the Commission Auditor (Voting Conflict 2-11.1(v); Appearance of Impropriety)  
**Attachments:** INQ 19-55 Miguel Riera.pdf

---

**From:** Turay, Radia (COE)  
**Sent:** Tuesday, May 28, 2019 11:04 AM  
**To:** Johnson, Jannesha (OCA) <Jannesha.Johnson@miamidade.gov>; Amores, Cristina (ISD) <Cristina.Amores@miamidade.gov>; Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>; Majekodunmi, Yinka (OCA) <Adeyinka.Majekodunmi@miamidade.gov>; Valin, Pablo (ISD) <Pablo.Valin@miamidade.gov>  
**Cc:** Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>; Riera, Miguel (Aviation) <MRiera@miami-airport.com>  
**Subject:** INQ 19-55 Thomas B. Davis, Esq, Director of Policy and Legislation, Office of the Commission Auditor (Voting Conflict 2-11.1(v); Appearance of Impropriety)

Hello,

Thank-you for contacting the Miami-Dade Commission on Ethics and Public Trust, seeking our guidance in connection with the Appointment of Selection Committee for Miami-Dade Aviation Department Request to Advertise for Stormwater Master Plan Project No. E18-MDAD-03. Please find our opinion regarding same attached.

Thanks,

### **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:** Johnson, Jannesha (OCA)  
**Sent:** Friday, May 17, 2019 11:34 AM  
**To:** Amores, Cristina (ISD) <Cristina.Amores@miamidade.gov>; Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>; Majekodunmi, Yinka (OCA) <Adeyinka.Majekodunmi@miamidade.gov>; Valin, Pablo (ISD) <Pablo.Valin@miamidade.gov>

**Cc:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>; Arrojo, Jose (COE) <[Jose.Arrojo@miamidade.gov](mailto:Jose.Arrojo@miamidade.gov)>

**Subject:** RE: E18-MDAD-03 Selection Committee Review

Good Morning –

This email is being sent on behalf of Thomas B. Davis, Esq., Director of Policy and Legislation for the Office of the Commission Auditor.

Thanks.



**Jannesha V. Johnson, MBA**

Office of the Commission Auditor

Miami Dade Board of County Commissioners

111 NW 1 Street Suite 1030, Miami, FL 33128

Ph: (305) 375-1466

[www.miamidade.gov](http://www.miamidade.gov) "Delivering Excellence Every Day"

---

**From:** Amores, Cristina (ISD)

**Sent:** Friday, May 10, 2019 3:08 PM

**To:** Johnson, Jannesha (OCA) <[Jannesha.Johnson@miamidade.gov](mailto:Jannesha.Johnson@miamidade.gov)>

**Cc:** Davis, Thomas (OCA) <[Thomas.Davis@miamidade.gov](mailto:Thomas.Davis@miamidade.gov)>

**Subject:** E18-MDAD-03 Selection Committee Review

Good afternoon Jannesha,

Hope this email finds you well. Attached for your review, please find the CSC Appointment memo, List of Respondents, the resumes and neutrality forms for all of the CSC members for the mentioned solicitation. Should you need additional information, please contact me.

Thank you and have a good day.

Cristina Amores, A/E Consultant Selection Coordinator

**Miami-Dade County – ISD Strategic Procurement Division**

111 NW 1<sup>st</sup> Street, Suite 1300

Miami, FL 33128

305-375-4259

**How can ISD serve you better?**

**Give us your feedback [here!](#)**

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

*All Lobbyists must register prior to any meeting with County Personnel. Register at: Clerk of the Board, 111 NW 1<sup>st</sup> Street, 17<sup>th</sup> Floor. Contact Person: Claude Francis at [305-375-5137](tel:305-375-5137).*





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

---

---

### MEMORANDUM

---

---

**TO:** Thomas B. Davis, Esq.,  
Director of Policy and Legislation

Cristina Amores, Non-Voting Chairperson,  
Internal Services Department

**FROM:** Radia Turay, Staff Attorney  
Commission on Ethics

**SUBJECT:** INQ 19-55 [Voting Conflict of Interest § 2-11.1(v); Appearances of  
Impropriety]

**DATE:** May 22, 2019

**CC:** All COE Legal Staff

---

Thank-you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transaction.

Facts: We have reviewed your memorandum dated May 13, 2019, prepared in connection with the Appointment of Selection Committee for Miami-Dade Aviation Department Request to Advertise for Stormwater Master Plan Project No. E18-MDAD-03. The memorandum was prepared in connection with Resolution No. R-449-14, directing the Office of the Commission Auditor (OCA) to conduct background checks on members serving on evaluation/selection committees.

The memorandum noted that a voting member, appointed to the selection committee, made disclosures that merited submission to our office for an opinion. Specifically, Miguel J. Riera, P.E., stated that he was employed (07/2000 – 09/2003) by CRJ & Associates (CRJ). The memorandum further states that CRJ is listed as a consultant on this project.

We have conferred with Mr. Riera. He indicated that the termination of his employment from CRJ was amicable in 2003. He has no current ownership interest in or other formal or financial interest in the company. He does not have any business, close social, or other relationship with any current employee at the company. He also feels that he can be completely fair and objective in assessing the qualifications of the competing firms.

Discussion: This agency conducts reviews of these issues under Section 2-11.1(v) of the County Ethics Code, which governs voting conflicts by members of County advisory and quasi-judicial boards. We also consider whether there is an appearance of impropriety created and make recommendations based on R-449-14 and Ethics Commission Rule of Procedure 2.1(b).

Specifically, Section 2-11.1(v) of the County Ethics Code states that no quasi-judicial personnel or advisory personnel shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary or (ii) stock holder, bondholder, debtor or creditor.

It does not appear that Mr. Riera has a voting conflict of interest under Section (v) of the County Ethics Code because he will not be directly affected by the vote and he does not have any of the enumerated relationships with an entity affected by the vote.

Additionally, Section 2-11.1(x) of the County Ethics Code, commonly referred to as the Reverse Two-Year Rule, which bars County employees from participating in contract-related duties on behalf of the County with a former employer for a period of two years following termination of the employment relations, would not apply since Mr. Riera stopped working for CRJ over 15 years ago. *See* INQ 17-174, INQ 17-183, and INQ 18-229.

Further, as noted above, due to the sensitivity of the procurement process and the need to sustain public confidence in it, this agency also opines concerning whether there may be an appearance of impropriety in a given situation that would justify the removal of a member of an appointed selection committee. *See* Section 2-1067, Miami-Dade County Code, and 2.1(b) of the COE Rules of Procedure.

As Mr. Riera's employment with CRJ ended 15 years ago on an amicable basis, and he has no business, professional, or close social relationship with any current member of CRJ, it is our opinion that his prior employment there would not create any appearance of impropriety or in any way detract from the County's conducting a fair and objective evaluation for this project. *See* INQ 17-261.

Opinion: Consequently, at this juncture, we see no reason why Mr. Riera should not serve on this selection committee, because he does not have a voting conflict of interest under Section (v) of the County Ethics Code, and there does not appear to be any appearance of impropriety created by his serving on this committee. *See* INQ 17-261, and INQ 17-158.

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.