

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, June 14, 2019 4:19 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: RFP-01208 CJIS Selection committee
Attachments: INQ 19-65, Voting Conflict, Selection Committee Member, Judge Nushin Sayfie.docx

INQ 19-65 Sayfie

From: Arrojo, Jose (COE)
Sent: Friday, June 14, 2019 4:16 PM
To: Sayfie, Nushin <nsayfie@jud11.flcourts.org>
Cc: Hope, David (CAO) <David.Hope@miamidade.gov>; Wright, Tiondra (ISD) <Tiondra.Wright@miamidade.gov>; Liu, Peter F. (OIG) <Peter.Liu@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Anderson, Machell (COE) <Machell.Anderson@miamidade.gov>
Subject: RE: RFP-01208 CJIS Selection committee

Dear Judge Sayfie:

Thank you so much for engaging with the Miami-Dade Commission on Ethics and Public Trust as regards your service as a Selection Committee Member in County Solicitation #RFP-01208 - COURT CASE MANAGEMENT SYSTEM ("CJIS").

Attached you will please find INQ 19-65 that is responsive to your request for ethics guidance. In sum, there is no prohibited voting conflict created by the fact pattern as presented.

Best regards,

Jose

Jose J. Arrojo

Executive Director
Miami-Dade Commission on Ethics and Public Trust
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Miami, FL 33130
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From: Sayfie, Nushin <nsayfie@jud11.flcourts.org>

Sent: Wednesday, May 29, 2019 4:20 PM

To: Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>

Cc: Hope, David (CAO) <David.Hope@miamidade.gov>; Wright, Tiondra (ISD) <Tiondra.Wright@miamidade.gov>; Liu, Peter F. (OIG) <Peter.Liu@miamidade.gov>

Subject: RFP-01208 CJIS Selection committee

Good afternoon, Jose. Hope all is well with you.

I am on the selection committee for RFP-01208, a new CJIS!

I have reviewed the neutrality affidavit and I have no issues. However, today a lobbyist, Eric Zichella, came to the meeting presumably representing a vendor. He is married to my ex-husband's cousin. I do not socialize with him at all. I speak to his wife occasionally. If I see him at all it has been running into him at the county commission. I do not know who his clients are. And I do not know if he is representing any of the vendors who have submitted proposals so far, but I presume he does because he showed up at the meeting.

This does not pose a problem for me. I know that I can serve well on this committee. But in an abundance of caution I wanted to disclose it and would like your expert opinion.

Please let me know. And thank you.

Nushin G. Sayfie, Circuit Court Judge

Administrative Judge of the Criminal Division

1351 NW 12th St., Room 423

Miami, FL 33125

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MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

19 West Flagler Street, Suite 820 Miami, Florida 33130

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MEMORANDUM

TO: Honorable Nushin Sayfie
Circuit Judge, 11th Judicial Circuit of Florida

FROM: Jose J. Arrojo
Executive Director

SUBJECT: INQ 19-65, Selection Committee Members, Voting Conflict, Section 2-11.1 (v),
County Ethics Code

DATE: June 14, 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:

The Honorable Nushin Sayfie is a Circuit Court Judge presiding in the Criminal Division of the 11th Judicial Circuit of Florida. She is the Administrative Judge for that Division.

Eric Zichella is a principal with P3 Management, which self-describes as a government relations, public affairs and business development firm. Mr. Zichella is also a registered County lobbyist and currently represents several dozen principals.

Eric Zichella is married to the former Amy Safie. In turn, Ms. Sayfie is a cousin to Judge Nushin Sayfie's former spouse.¹ There is no social relationship between Judge Sayfie and Mr. Zichella and the Judge only occasionally speaks to Ms. Sayfie.

Judge Sayfie is participating as a Selection Committee Member in Miami-Dade County Solicitation #RFP-01208 - COURT CASE MANAGEMENT SYSTEM ("CJIS"). At a recent

¹ Immediate family members for purposes of conflict of interest analysis under the County Ethics Code refers to the spouse, domestic partner, parents, stepparents, children and stepchildren of the covered person. (See Section 2-11.1(b)(9) of the County Ethics Code)

Selection Committee meeting, Judge Safie noted that Mr. Zichella was in attendance and surmised that he may be representing one of the proposers in that procurement.

Issue:

Does Section 2-11.1 (v) of the County Ethics Code create a prohibited voting conflict for Judge Sayfie if a proposer engaged in Solicitation #RFP-01208 retains Eric Zichella as a lobbyist?

Discussion:

Even though Judge Sayfie is a state Circuit Court Judge, because she is a voting member of a County Selection Committee, then her actions as relate to the procurement are governed by the County Ethics Code.²

As a voting member of the Selection Committee, Judge Sayfie is limited by the voting conflict prohibitions contained in Section 2-11.1.(v) of the County Ethics Code. Therefore, Judge Sayfie may not vote on any matter presented to the Selection Committee if she will be directly affected by the action of the Committee *and* she has a prohibited enumerated employment or financial relationship with any person or entity appearing before the Committee.

There is absolutely nothing in the presented fact pattern that would suggest that Judge Sayfie would be directly affected by any action of the Selection Committee because a proposer may be represented by a lobbyist that is married to her former husband's cousin. Judge Sayfie even adds that she does not socialize with the representative.

Also, under subsection (v) of the Ethics Code, not only must there be a direct impact on the Selection Committee member but there must also be a prohibited enumerated employment or financial relationship with person or entity appearing before the committee. In this case, there is not.

In sum, while it is very commendable that in abundance of caution, Judge Sayfie would take the time to memorialize the above described matter and seek ethics opinion guidance, there is absolutely no prohibited voting conflict that arises out of Mr. Zichella's engagement as a representative for a proposer in this procurement.

Opinion:

Section 2-11.1 (v) of the County Ethics Code does not create a prohibited voting conflict for Judge Sayfie if a proposer engaged in Solicitation #RFP-01208 retains Eric Zichella as a lobbyist.

² Resolution of the Board of County Commissioners, amending Implementing Order 3-34, regarding Formation and Performance of Selection Committees, Resolution No. R-246-14, provides in relevant part, that each individual appointed to a selection committee shall be in compliance with the Conflict of Interest and Code of Ethics Ordinance.

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.