



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Beth Goldsmith, Non-Voting Chairperson  
Internal Services Department

Phillip G. Edwards, Esq., Senior Research Analyst  
Office of the Commission Auditor (OCA)

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

**SUBJECT:** INQ 20-57 [Voting Conflict of Interest § 2-11.1(v); Appearances of  
Impropriety]

**DATE:** June 16, 2020

**CC:** All COE Legal Staff

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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 June 12, 2020, which was prepared in connection with the Appointment of the Selection Committee for Miami-Dade Department of Transportation and Public Works Request for Proposals for Rapid Mass Transit Solution for the Beach Corridor Trunk Line – RFP No. 01353. 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 member of the selection committee made disclosures on her neutrality/disclosure form that merited submission to the Commission on Ethics for an opinion. Specifically, the memorandum notes that “Maria Perdomo, Department of Transportation and Public Works, indicated on both her Neutrality/Disclosure Form and resume that she was an employee of Jacobs Engineering between 2008 and 2011. Jacobs is a member of the project team responding to the solicitation.”

We have conferred with Ms. Perdomo. She is Manager of the Work Program at the Miami-Dade Department of Transportation and Public Works (hereinafter “DTPW”). She indicated that the termination of her employment from Jacobs Engineering (hereinafter “JE”) in 2011, was amicable. She has no current ownership interest in or other formal or

financial interest in the company. She does not have any business, close social, or other relationship with any current employee at the company. She believes she can be fair and impartial when evaluating the respondents to this project.

Discussion: This agency conducts reviews of these issues under the County Ethics Code, which governs 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 Ms. Perdomo has a voting conflict of interest under Section (v) of the County Ethics Code because she would not be directly affected by the vote and she 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 to Ms. Perdomo since she stopped working for JE over eight 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 Ms. Perdomo's employment with JE ended over eight years ago -on an amicable basis, and she has no business, or close social relationship with any current employee at JE, it is our opinion that her prior employment would not create any appearance of impropriety or in any way detract from the County's conducting a fair and objective evaluation for this projects. *See* INQ 17-192, and INQ 18-261.

Opinion: Consequently, we see no reason why Ms. Perdomo should not serve on this committee because she does not have a conflict of interest under the Ethics Code and there does not appear to be any appearance of impropriety created by her service on this committee.

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.