

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Wednesday, September 15, 2010 4:00 PM  
**To:** 'alice.bravo@live.com'  
**Cc:** 'Dotson, Gail A.'  
**Subject:** Ethics Opinion related to your husband's company (INQ 10-163)

Ms. Bravo:

This is in response to your inquiry about ethics issues related to your recent employment as the City of Miami's Director of the Capital Improvements Program (CIP) and City vendors with whom your husband, Walfrido Pevida, has business associations.

### FACTS

- **C3TS:** You stated that the City of Miami has a contract with Corzo Castella Carballo Thompson Salman, PA (C3TS), an architectural/engineering firm that your husband partially owns and for whom he serves as a director. The C3TS contract was entered into prior to your employment at the City of Miami in approximately May 2010.  
 Since your arrival at the CIP, you have avoided all involvement in administering the C3TS contract, specifically by directing your staff to bring any issues regarding the contract to your direct supervisor, the Assistant City Manager.
- **Subcontractor:** You further stated that your husband serves as a subcontractor to a City vendor with a current City contract, but that you did not know the name of the City vendor/prime contractor.

### CITY OF MIAMI CODE

- Sec. 2-612 of the City of Miami Ethics Code prohibits City employees and their immediate family members from contracting with the City. Any contract entered into in violation of this ordinance renders the contract voidable.
- Sec. 2-614 of the City Code provides for a waiver of this prohibition by an affirmative vote of four-fifths of the members of the City Commission at a public hearing.

### ETHICS OPINION

Regarding the current contract with C3TS, the transaction is allowed because your employment with the City occurred after the contract was entered into. However, renewals of the current C3TS contract and new contracts with C3TS are not allowed under the City Code unless you receive a waiver from the City Commission.

Regarding contracts in which your husband or your husband's company serves as a subcontractor, no ethics conflicts are created because your husband and/or his company are not contracting with the City directly, but with a City vendor.

We encourage you to maintain the procedures you have already established to avoid the appearance of impropriety by removing yourself from any matters associated with the current C3TS contract. Additionally, we encourage you to identify the prime contractors with whom your husband subcontracts in order to create a similar distance in administering City contracts with them.

Finally, please be advised that your immediate family members may not be parties to any

future contracts with the City unless you receive a waiver from the City Commission.

If you have further questions, feel free to call me or Assistant City Attorney Gail Dotson at 305 416-1851.

Sincerely,

Victoria Frigo, Staff Attorney

Miami-Dade County Commission on Ethics

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