

## Frigo, Victoria (COE)

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**Subject:** INQ 12-103 Newman

**From:** Ethics (COE)

**Sent:** Thursday, June 14, 2012 4:28 PM

**To:** 'valerie Newman'

**Subject:** RE: FW: This ONE WAY COMMUNICATION has been reviewed by the City Attorney and it is Good to Go

Commissioner Newman,

The dissemination of a one-way memorandum or position paper by a Commissioner outlining his/her position on an issue or otherwise providing factual information is not by itself a violation of the Florida Sunshine Law (See AGO 96-35). Solicitation of or receipt of comments from the other Commissioners to the memo would likely violate the law. It would appear, under these circumstances, that Commissioner Welsh's practice is not prohibited by law, provided it does not promote or result in responses from other Commissioners. However, this is not to say that such a practice is advisable. The Attorney General's Office has expressed concern that a process whereby board members distribute their own position papers on the same subject to other members is "problematical" and should be discouraged. See AGO 01-21.

Please feel free to call me at 305-579-2594 should you wish to discuss this matter further.

Joe Centorino, Executive Director

Miami-Dade Commission on Ethics and Public Trust

**From:** valerie Newman [<mailto:valerienewman09@gmail.com>]

**Sent:** Wednesday, June 13, 2012 10:20 PM

**To:** Ethics (COE)

**Subject:** Re: FW: This ONE WAY COMMUNICATION has been reviewed by the City Attorney and it is Good to Go

Dear Sirs,

This is a sample of communication Commissioner Bob Welsh engages in regularly. This was regarding an RFP which was on Tuesday's commission meeting.

Is this legal? I have requested not to be a party to commissioner Welsh's weekly attempts to influence the vote. Tuesday's vote on the RFP resulted in a 4 -1 vote. . the appearance of manipulation of the process was quite evident.

Regards,

Commissioner Valerie Newman

On Tuesday, June 12, 2012, Menendez, Maria M. <[MMenendez@southmiamifl.gov](mailto:MMenendez@southmiamifl.gov)> wrote:

> From: [bobnoxious928@yahoo.com](mailto:bobnoxious928@yahoo.com) [<mailto:bobnoxious928@yahoo.com>]

> Sent: Tuesday, June 12, 2012 9:48 AM

> To: Menendez, Maria M.

> Cc: Pepe, Thomas F.

> Subject: This ONE WAY COMMUNICATION has been reviewed by the City Attorney and it is Good to Go

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>

>

> Please forward to the rest on the Commission

>

> WARNING: Bob Welsh is for the time being an elected official. All emails with public officials are public records and could possibly wind up in Community Newspapers, whose editor, in my opinion, has a serious editing problem!

>  
> Begin forwarded message:

>  
> From: [bobnoxious928@yahoo.com](mailto:bobnoxious928@yahoo.com)  
> Date: June 11, 2012 3:37:05 PM EDT  
> To: "Pepe, Thomas F." <[TPepe@southmiamifl.gov](mailto:TPepe@southmiamifl.gov)>  
> Subject: Re: Mr City Atty, please review this so that the City Clerk can send this as a 1way communication

>  
> Good to go. Please change "Total lines 1-3 " to "Total Lines A-C"

>  
> WARNING: Bob Welsh is for the time being an elected official. All emails with public officials are public records and could possibly wind up in Community Newspapers, whose editor, in my opinion, has a serious editing problem!

>  
> On Jun 11, 2012, at 3:26 PM, "Pepe, Thomas F." <[TPepe@southmiamifl.gov](mailto:TPepe@southmiamifl.gov)> wrote:

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>  
>  
>  
> The following one-way communication can be sent to the commission.

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>  
>  
> Very truly yours,

>  
>  
>  
> Thomas F. Pepe

>  
>  
>  
> City Attorney

>  
> City of South Miami

>  
> 1450 Madruga Avenue, Ste 202,

>  
> Coral Gables, Florida 33146

>  
> Tel: (305) 667-2564

>  
> Fax: (305) 341-0584

>  
> E-mail: [tpepe@southmiamifl.gov](mailto:tpepe@southmiamifl.gov)

>  
> ATTENTION: This e-mail contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the addressee named above. If you are not the intended receiver, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone, call collect if outside of your area code and delete this e-mail. We will reimburse you for the cost of your long distance call. Thank you.

>  
> \_\_\_\_\_

> From: [bobnoxious928@yahoo.com](mailto:bobnoxious928@yahoo.com) [[bobnoxious928@yahoo.com](mailto:bobnoxious928@yahoo.com)]

> Sent: Sunday, June 10, 2012 10:48 AM

> READING INTO THE SCORING OF GREY GHOSTS (GG) AND SOUTH MIAMI UNITED (SMU)

> Premise # 1: Scoring line D of the Evaluation Scoring Sheet (Proposed Guaranteed monthly fee) by the 5 judges Hofferberth, Mathews, Rilo, Williams and Kulick was given additional weight when it was discussed at length in page 3 of 4 of the back-up.

> The results of questions A-C were as follows as per the Evaluation Scoring Sheets

Scorer.	GG	SMU
Hoffrberth.	65.	65
Mathews.	70.	70
Rilo.	60.	70
Williams.	54.	62
Kulick.	65.	70

_____		A&B	C		A&B	C
TOTAL lines 1-3.	314.	337.	GG	193 + 121=314.	SMU	194 + 143 =337

> The sum of the scores for questions A and B ( bid proposers experience & personnel experience were as follows: GG 193. SMU 194

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 > The big difference was the result of question # C (proposers development plan, time frame, number of qualified staff to be assigned to the facilities/programs): GG 121. SMU 143.  
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 >  
 > If a total of 30 points were awarded and the highest bid was GG offer of \$142,500 - If \$142,500 = 30 points then each point is worth \$4,750 (142,500 / 30 = 4,750) Therefore, SMU's bid of \$120,500 = 25.389 points (120,500 / 4750 = 25.389).  
 >  
 >  
 >  
 > If 25.39 points were awarded by each of the 5 judges to SMU for question #D  
 >  
 > the score would have been:

	A&B	C	D		A&B	C	D			
> .	GG	193	+ 121	+ 150	= 464.	SMU	194	+ 143	+ 126.95	= 463.95

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 Valerie Newman  
 (786) 351-1648

**From:** Centorino, Joseph (COE)  
**Sent:** Thursday, June 14, 2012 4:39 PM  
**To:** Frigo, Victoria (COE)  
**Subject:** RE: FW: This ONE WAY COMMUNICATION has been reviewed by the City Attorney and it is Good to Go

OK. Fine.

**From:** Frigo, Victoria (COE)  
**Sent:** Thursday, June 14, 2012 4:38 PM  
**To:** Centorino, Joseph (COE)  
**Subject:** RE: FW: This ONE WAY COMMUNICATION has been reviewed by the City Attorney and it is Good to Go

I believe we can consider this an informal request from Commissioner Newman regarding her own future actions involving one-way communications with Commissioner Welsh. Since Commissioner Newman was not clear if the communications violated the County Code, she was within her rights to ask for an opinion. The County voting ordinance, confidentiality requirements, and Cone issues could all come into play. Therefore, if you agree, I'll file it as an INQ.

**VICTORIA**

**From:** Centorino, Joseph (COE)  
**Sent:** Thursday, June 14, 2012 4:30 PM

**To:** Frigo, Victoria (COE)

**Subject:** FW: FW: This ONE WAY COMMUNICATION has been reviewed by the City Attorney and it is Good to Go

Victoria,

I am not sure if this fits our criteria for INQ'S, but if it does, please file it accordingly. Thanks.

Joe