

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Wednesday, August 14, 2013 3:47 PM
To: 'bbarreiro@iusa.com.mx'; District5
Cc: Frigo, Victoria (COE); Sanchez, Gerald (CAO)
Subject: INQ - Commissioner Bruno Barreiro

Commissioner Barreiro:

You have inquired whether your business association with IUSA Group would create a prohibited conflict of interest under the Miami-Dade Conflict of Interest and Code of Ethics Ordinance in regard to the company's establishment of an account with Miami-Dade Water and Sewer Department for sub-metering services it will provide to private clients in the County.

IUSA Group is a consortium of corporations that are involved in the manufacturing and sale of items that are commonly connected with water and sewer services, such as copper tubing, electrical supplies and meters. It also provides sub-metering services to large facilities, such as condominiums, where it maintains the metering and provides billing services that collect fees payable to the public works entity providing the services. It plans to expand its business into Miami-Dade County, and, in order to conduct its sub-metering business, it will need to establish an account with Miami-Dade County Water and Sewer Department.

Your association with IUSA Group involves representing the company as a sales representative for the products that it sells. You have no ownership interest in the company and are not an employee of the company, although you are listed on company documents as part of its management, and your company business card references you as "Executive Vice President." You provide your services to the company pursuant to a contractual understanding that pays you on a commission basis for the sales that you produce. You will not be representing the company in connection with any business or regulatory issues it may have with Miami-Dade County.

There are several provisions of the County Ethics Ordinance which should guide your association with IUSA:

Section 2-11.1(d) would prohibit you as a County Commissioner from voting or otherwise participating in any matter coming before the Board of County Commissioners regarding IUSA. It is my understanding that the sub-metering account would be administered by the Water and Sewer Department and would not likely be the subject of any vote or action by the County Commission, but if that were to occur, you could not vote or participate in that matter. Any use of your public position to gain any special privilege or exemption for the company could also be considered to be a violation of Section 2-11.1(g), *Exploitation of official position*.

Section 2-11.1(j) prohibits county officials and employees from accepting employment which would "impair his or her independence of judgment in the performance of his or her public duties."

Section 2-11.1(m)(1) would prohibit you from appearing before any County board or agency to make a presentation on behalf of IUSA, as well as prohibiting you from receiving compensation, directly or indirectly, for services rendered to IUSA in connection with any benefit sought by IUSA from Miami-Dade County, such as approval of a sub-metering permit or account.

Section 2-11.1(n) prohibits county officials and employees from participating "in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest."

It is my understanding, from the circumstances related above, that you would not be appearing before any board or interacting in any way with any County personnel in connection with IUSA. It is my further understanding that you would receive no personal benefit from the establishment of an account by IUSA with the County since your compensation from IUSA is connected to your sale of products manufactured by IUSA and is unrelated to its provision of sub-metering services to private clients.

In addition, IUSA's connection to the County, by the establishment of a sub-metering account, would not differ in any way from any other entity involved in providing sub-metering services to private clients in the County, or, in terms of its assumption of the financial obligation to pay the County for such services, would not differ from other similarly situated consumers of County services.

Based upon the foregoing facts and subject to the foregoing legal limitations, you will not have a prohibited conflict of interest under the aforesaid provisions of the County Ethics Ordinance in the event that IUSA Group should apply for and receive a sub-metering account with Miami-Dade County. If you have questions or need further guidance regarding this matter, please feel free to call me at the number listed below.

Sincerely,

Joseph M. Centorino

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