



## MIAMI-DADE ETHICS COMMISSION MEMO

**TO:** Annie Perez, Procurement Contracting Manager (ISD)  
**FROM:** Victoria Frigo, Senior Staff Attorney (COE)  
**SUBJECT:** **INQ 13-237**  
BW 7463-0/18, Rental of Storage Space for MDPD  
**DATE:** October 30, 2013  
**COPIES:** Joy T. Stewart, (MDPD), Laura K. Romano (MDPD), Joseph Centorino (COE), Gilma Diaz-Greco (COE), Ralph L. Gazitua (WDWTDC)

In response to your question about the Miami-Dade Police Department (MDPD) renting storage space from a company owned by an unpaid, volunteer chaplain with the MDPD, the Miami-Dade County Ethics Code at Sec. 2-11.1 (c)(2) is not violated, but an appearance of impropriety is created. County policy requires that County business be conducted free of the influence of personal and private financial interests, both *in appearance* and in fact.<sup>1</sup>

As background, the County vendor you are inquiring about is Warehouse Division of World Terminal and Distribution Corporation (WDWTDC). WDWTDC is the incumbent for the "Rental of Storage Space" contract for MDPD (1Q7463-4/13) and is being considered for award of the successor contract (BW7463-011 8). The President of WDWTDC is Ralph L. Gazitua, who also serves as a volunteer chaplain for the MDPD.

When the MDPD legal department was notified in 2003 of the initial contract being awarded to Chaplain Gazitua, the legal department found no apparent conflict of interest in light of the bid being conducted at arms-length.<sup>2</sup>

We advised Chaplain Gazitua in 2009 that serving as a volunteer with the MDPD did not pose any legal obstacles to his registration as a County vendor, but contracting with the MDPD risked creating an appearance of impropriety.<sup>3</sup> Because the Miami-Dade County Ethics Code establishes a *minimum standard of ethical conduct* for County vendors, it is troubling to learn that Chaplain Gazitua never revealed at that time he requested an ethics opinion in 2009 that he had a current contract with the MDPD and had, in fact, been contracting with the MDPD since 2004.

To be clear, this arrangement is not a *per se* violation of the County Ethics Code, but the circumstances involving Chaplain Gazitua could suggest that not all County bidders have the same opportunity, that the playing field is not level to compete for County contracts, and that insiders reap special benefits not available to others. One way to avoid the appearance of impropriety would be to delegate to another County department, not the MDPD, responsibilities for awarding and administering the MDPD storage contract.

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<sup>1</sup> County Administrative Order AO 7-1, which deals with outside employment and gratuities.

<sup>2</sup> Bid Award Recommendation, dated 11/4/03, and signed by Commander Angela S. Brown.

<sup>3</sup> Miami-Dade Ethics Commission Opinion INQ 09-15.