

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Friday, October 18, 2013 5:53 PM
To: Diaz, Jose "Pepe" (DIST12)
Cc: Lievano, Maria (DIST12); Frigo, Victoria (COE); Diaz-Greco, Gilma M. (COE); Sanchez, Gerald (CAO)
Subject: INQ - Commissioner Jose "Pepe" Diaz

Commissioner Diaz:

You have inquired whether it would be a violation of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance for your employer, Coastland Construction, Inc., to be hired as a subcontractor to Fortune Construction Company, which is providing construction services on a public housing project being developed by RUDG, LLC, which was awarded the construction contract by the Miami-Dade County Commission. You did not vote or participate in the vote awarding the contract to RUDG, LLC.

There is no prohibition under the County Ethics Code that would prevent Coastland from entering into the contract with Fortune on this project.

However, in your capacity as County Commissioner, you should be careful to avoid any possible conflict of interest on this project, or any project in which your employer may be involved. Section 2-11.1(d) of the Code of Ethics would prevent you from voting on or participating in any matter in which your employer may be affected, directly or indirectly, or by which you might, directly or indirectly, profit or be enhanced. In the event that any issue concerning this project should come before the BCC, you should recuse yourself from any participation, give the proper public notice, leave the Chambers during discussion or voting on the matter, and file the necessary disclosure with the clerk within 15 days of the vote. This requirement would extend to any matter that would affect your employer, directly or indirectly.

If you have any further questions, please do not hesitate to contact me.

Joseph M. Centorino, Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
305-579-2594

From: Diaz, Jose "Pepe" (DIST12)
Sent: Friday, October 18, 2013 1:18 PM
To: Centorino, Joseph (COE)
Cc: Lievano, Maria (DIST12)
Subject: Request for an Opinion

Dear Mr. Centorino:

The purpose of this email is to request an opinion on whether my employment with Coastland Construction, Inc. ("Coastland") presents a conflict under the Miami-Dade County Conflict of Interest and Code of Ethics ordinance. The following are the relevant facts:

I am an employee of Coastland. Coastland is a construction company that specializes in commercial projects and general contracting and construction management services. I am not an officer or director of the company; I do not have a controlling financial interest in the company, nor does any member of my family have such an interest. My

job title is Executive Director of Business Development. My job responsibilities include consulting on construction projects, business development, and providing any other support that is necessary for the company.

On November 23, 2011, the Board of County Commissioners approved a resolution for the selection of and execution of ground lease agreements with RUDG, LLC and other developers for the development of public housing projects in response to RFP 794. I was absent and did not participate in the vote.

One of the sites awarded to RUDG, LLC for rehabilitation and upgrading was the Jack Orr Plaza, a public housing facility owned by Miami-Dade County and operated by the Miami-Dade County Public Housing Agency. RUDG, LLC has entered into an agreement with Jack Orr Preservation, LLC for the development of Jack Orr Plaza.

In June of 2013, Coastland Construction, my employer, responded to a bid by Fortune Construction Company ("Fortune") to provide certain construction services (e.g., demolition, drywall, masonry, painting) for the project known as Jack Orr Plaza. Following a competitive bid process, Coastland was selected by Fortune as the lowest bidder to serve as a subcontractor to Fortune for work to be performed at the Jack Orr Plaza. Fortune is the general Contractor for Jack Orr Preservation LLC and an affiliated contractor of RUDG.

In summary, neither Fortune nor Coastland has entered into a contract with the Miami-Dade County. Further, Coastland did not enter into a contract with RUDG, LLC or with Jack Orr Preservation, LLC. And I will have no role in the performance of any of the obligations under the contract with Fortune. My question, simply put, is whether it would be a violation of the Conflict of Interest and Code of Ethics Ordinance for my employer, Coastland, to enter into a subcontract with Fortune to perform subcontract construction services on Jack Orr Plaza.

It is my understanding that the commencement of work on the project is imminent, so your expeditious consideration and response would be greatly appreciated.

Sincerely,

Jose "Pepe" Diaz
Miami-Dade County Commissioner
District 12