

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Friday, March 08, 2013 2:36 PM
To: Escobar, Bernardo (DIST11)
Cc: Frigo, Victoria (COE)
Subject: INQ - Commissioner Juan Zapata, District 11

Mr. Escobar:

You have inquired on behalf of Commissioner Juan Zapata whether he may vote or participate on the award of the Airport City Contract or on any matter involving Odebrecht International. The request has been made in light of the fact that Mr. Zapata has had ongoing contractual relationships with H.J. Ross and Ty Lin International Group for a number of year, and TY Lin, which acquired H.J. Ross, was at one point in line to participate as a subcontractor for Odebrecht International on the Airport City Contract. However, I understand that TY Lin is no longer involved in the contract, which has yet to be awarded. It is my understanding that neither H.J. Ross nor TY Lin have any interest or involvement in the award of the Airport City Contract at this time.

It is also my understanding that Mr. Zapata has no present or past business relationship of any kind with Odebrecht International, which remains involved in the project. It is my understanding that Mr. Zapata has no financial relationship or involvement with any potential contractor or subcontractor on the Airport City Project.

Under these circumstances, it is my opinion that, pursuant to Section 2-11.1(d) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Commissioner Zapata may vote and participate in the Airport City Contract because he has no relationship with any party involved in the contract; he would not be affected in any manner by the contract award in any way distinct from the public generally; and he would not directly profit or be enhanced by the action of the Board of County Commissioners on this project. Likewise, Commissioner Zapata may also participate in other matters involving Odebrecht in Miami Dade County where TY Lin and/or H.J. Ross is not involved as a subcontractor. I would advise caution, however, that Commissioner Zapata carefully determine, in any vote regarding Odebrecht, that TY Lin, H.J. Ross, or any other company with which Commissioner Zapata has a financial relationship, have no involvement in the project under consideration.

Please bear in mind also that the Miami-Dade Code of Ethics provides only a minimum standard of ethical conduct. In the event that Commissioner Zapata should feel that he is unable, for whatever reason, to objectively assess the merits of any given contract bid or proposal due to personal considerations, he should consider whether it is appropriate for him to remain involved in that matter.

Sincerely,

Joseph M. Centorino

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