
From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, May 27, 2014 3:05 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Ethics Opinion (Gifts) INQ 14-129

INQ 14-129

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, May 27, 2014 3:03 PM
To: Fallon Jr., Howard J. (WASD)
Cc: Centorino, Joseph (COE)
Subject: Ethics Opinion (Gifts) INQ 14-129

Mr. Fallon,

You requested an opinion regarding whether your son can accept a scholarship provided by the engineering firm Brown and Caldwell (B&C), a County Vendor. You are a County employee employed in the Miami-Dade Water and Sewer Department as a Planning Division Chief. You advise that you do not currently oversee, supervise, or administer any B&C projects.

As background, your son is a high school senior at Coral Gables High (CGHS) who will be attending college next year. CGHS advised CGHS students of the scholarship funded by B&C and your son applied. You did not know that your son applied for the scholarship. We understand that B&C funds \$1000 scholarships for CGHS students interested in engineering. The scholarship funds are deposited directly to the College the student will be attending and B&C has the sole responsibility to administer the program and make decisions about awards.

The Ethics commission has previously opined that the Ethics Code **does not prohibit** family members of County employees from applying to and receiving a scholarship administered by a County vendor as long as the County employee does not improperly use his or her County employment to gain advantage over other applicants in the process. See RQO 99-60, INQ 10-31 and INQ 10-191.

The Ethics Code at Sec. 2-11.1(e)(3) prohibits County employees from accepting gifts intended to influence them to take official action or in response to an official action taken. In this case, however, it is your son who is the recipient. Therefore, since B&C scholarships are available to all CGHS students who meet the scholarship criteria and are not aimed at a particular County employee or his or her family member based on a direct personal service provided or to be provided, **we do not find that scholarships administered solely by B&C under the circumstances you describe violate the Ethics Code.**

In addition, we refer you to Fla. Stat 112.3148. This statute prohibits "covered individuals" and their immediate family members from receiving gifts over \$100 from agency lobbyists, vendors, or political committees. For a binding opinion on "covered individuals" under this statute please contact the Florida Commission on ethics at: <http://www.ethics.state.fl.us/>.

This opinion is based on the facts as presented to us. If any of these facts change, or if you have any further questions please do not hesitate to contact us.

Best regards,

Gilma (Mimi) Diaz-Greco

Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
gdiazgr@miamidade.gov
www.facebook.com/MiamiDadeEthics

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From: Fallon Jr., Howard J. (WASD)
Sent: Tuesday, May 20, 2014 12:29 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: RE: Scholarship for My Son

Mimi, see attached. Let me know if you will need additional info.

Howard J. Fallon, Jr., P.E.
Chief, Planning Division
Miami-Dade Water and Sewer Department
Telephone: 786-552-8225
Mobile: 305-807-4585
www.miamidade.gov
"Delivering Excellence Every Day"

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, May 20, 2014 10:05 AM
To: Fallon Jr., Howard J. (WASD)
Subject: RE: Scholarship for My Son

Mr. Fallon,

I need the scholarship information from Brown and Caldwell rather than the school link. Would you please send it to me? I'll call you soon to verify a few details before I write the letter.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Fallon Jr., Howard J. (WASD)
Sent: Tuesday, May 06, 2014 1:38 PM
To: Diaz-Greco, Gilma M. (COE)
Cc: Edward Fallon (ejfallon1@hotmail.com)
Subject: RE: Scholarship for My Son

Mimi,

Please see link and attachments.

<http://www.cavsconnect.com/recent-stories/2014/05/03/brown-and-caldwell-scholarship-recipient/>.

I believe that these describe the program. Please let me know if you would like to see more documentation.

Howard J. Fallon, Jr., P.E.
Chief, Planning Division
Miami-Dade Water and Sewer Department
Telephone: 786-552-8225
Mobile: 305-807-4585
www.miamidade.gov
"Delivering Excellence Every Day"

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, May 05, 2014 1:06 PM
To: Fallon Jr., Howard J. (WASD)
Subject: RE: Scholarship for My Son

Mr. Fallon,

Could you please send me any information you may have on the scholarship?

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney

Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
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From: Ethics (COE)
Sent: Tuesday, April 22, 2014 2:35 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: FW: Scholarship for My Son

Please respond.

From: Fallon Jr., Howard J. (WASD)
Sent: Tuesday, April 22, 2014 2:09 PM
To: Ethics (COE)
Cc: Goldenberg, Bertha M. (WASD)
Subject: Scholarship for My Son

Good Afternoon,

I have a son who is a high school senior and will be attending college next year. He informed me yesterday that he has been awarded a \$1,000 scholarship from the firm Brown and Caldwell. He found out about this program at school and it is for students who intend to pursue an engineering degree as he does. I had no knowledge of his having applied for this scholarship. In order to apply, he filled in an application, wrote an essay and obtained two recommendation letters.

Brown and Caldwell has an active Agreement and has had numerous Agreements in the past to provide engineering services to the Miami-Dade Water and Sewer Department. I have had no involvement with the current Agreement except for contacting them yesterday to conduct a hydraulic study as indicated in the attached E-mails. I do not intend to participate in fee negotiations or administration of this assignment. We will use the results of the proposed study in our planning activities for the Department. The current Agreement is to provide service in connection with the maintenance of our North District Wastewater Treatment Plant. My work is in facilities Planning. I was involved in fee negotiations and project review and payment approval activities in the past with regard to their contracts pertaining to my area of work (8-10 years ago or in the case of their working as a subconsultant about 6 years ago).

This is to request an opinion from the Commission on any conflict in his accepting this scholarship.

Thanks for your consideration.

Howard J. Fallon, Jr., P.E.
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