
From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, October 03, 2014 9:13 AM
To: Sanchez, Rodzandra (COE)
Subject: Juliana Salas, Assistant Dirctor, Construction Permitting and Building Code Division, Miami-Dade County Department of Regulatory and Economic Resources INQ 14-234

INQ 14-234

From: Ethics (COE)
Sent: Wednesday, October 01, 2014 1:58 PM
To: Salas, Juliana (RER)
Cc: Diaz-Greco, Gilma M. (COE); Sanchez, Gerald (CAO)
Subject: INQ - Juliana Salas, Assistant Dirctor, Construction Permitting and Building Code Division, Miami-Dade County Department of Regulatory and Economic Resources

Ms. Salas:

Thank you for your recent inquiry regarding possible conflicts of interest arising out of your position as Assistant Director, Construction Permitting and Building Code Division (CPBC), Miami-Dade County Department of Regulatory and Economic Resources (RER). Specifically, you have made the inquiry due to the employment of your son, Daniel Salas, Esq., with the Lasarte Law Firm, a company that specializes in land development and zoning issues. While most of your son's contacts with RER will likely be with the Development Services Division, a division of RER not under your supervision, you have advised that, from time to time, your son may need to assist clients in researching property violations which have originated in the enforcement units of RER that you do oversee.

You have indicated that you have instructed Division Directors heading the Building Code and Neighborhood Zoning Enforcement units to exclude you from any decision-making or approval process in connection with matters involving your son and to delegate such matters to the Boards and Code Division Director. You have further advised that, should your son be involved in client negotiation of liens and penalties requiring approval at a supervisory level higher than Division Director, then such matters will be referred to your immediate supervisor.

Section 2-11.1(n) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance would prohibit you from participating in "any official action directly or indirectly affecting a business in which you or any immediate family member has a financial interest." Since the financial interests of your son's clients, and thereby, his law firm and ultimately your son himself, could be affected by actions taken by your agency in connection with your son's clients, you are correct in taking the position that you should be removed and insulated from any action, direct or indirect, including supervisory oversight concerning any such decisions. I suggest that when and if such occasions should present themselves, that you put in writing the delegation of authority and the need to avoid any contact with you concerning the decision that may be made. Further, you should be aware that neither you, nor any other Department employee, may show favoritism toward clients of your son in connection with enforcement or other departmental matters. Such favoritism could constitute Exploitation of Official Position under Section 2-11.1(g) of the Code.

I would further advise you to take such insulating and preventive measures on any matter involving one of your son's active clients, even where the client may be represented by another member of your son's firm. I will assume that at this point that your son does not have an ownership interest in the law firm and that the law firm itself has no contractual relationship with the County. If either of the foregoing circumstances change, then you should seek further guidance.

You were wise to seek advice concerning this issue to prevent a conflict of interest from occurring. I would remind you that the County Code of Ethics is only a minimum standard of ethical conduct and that there may be occasions when you should be conscious of avoiding an appearance of impropriety regarding your department's interactions with your son or your son's clients.

Sincerely,

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

From: Salas, Juliana (RER)
Sent: Friday, September 19, 2014 4:32 PM
To: Ethics (COE)
Subject: Request for an opinion to the Commission of Ethics and Public Trust

September 19, 2014

This is to request an opinion with regards to the steps that I have taken to avoid conflict of interest in providing services to patrons that may be represented by my son Daniel Salas, attorney at law.

In my present Assistant Director capacity I oversee the Construction Permitting and Building Code Division (former Building Department) of the Regulatory and Economic Resources Department of Miami Dade County (RER). I am the Building Official for Unincorporated Miami Dade County and my staff accepts permit applications, reviews construction documents, issues construction permits, inspects construction in progress and issues Certificates of Occupancy and Certificates of Use. Further, my staff also issues approval of construction products, contractor licenses; provides staff support to the Unsafe Structures Board, Construction Trades Qualifying Boards and the Board of Rules and Appeals. Additionally, other enforcement units within my Division enforce the Miami Dade County Code and the Florida Building Code in existing buildings.

Daniel Salas (my son) recently joined the Lasarte Law Firm, a company that specializes in land development and zoning issues. In representing their clients to obtain zoning variances for properties within Unincorporated Dade County the firm mainly interacts with the Development Services Division, a division of RER not under my supervision. However, I am anticipating that occasionally my son may need to assist clients in researching property violations originated in the enforcement units of RER that I oversee. I do not handle enforcement inquiries or enforcement cases personally, since I have Division Directors heading the Building Code and the Neighborhood (Zoning) Enforcement Units. However, to avoid conflict of interest, I have instructed the Division Directors that should Mr. Daniel Salas seek to interact with their respective units in representing a client that I am to be excluded from any decision making or approval that would normally be required under the Division's standard operating procedures. Should such instance arise, the matter is to be reviewed by the Boards and Code Division Director, who is the designated Building Official in my absence (vacation or other). Further, should Daniel Salas be involved in client negotiation of liens and penalties requiring approval at a supervisory level higher than a Division Director, those matters are to be escalated to my immediate supervisor, Deputy Director Ms. Lourdes Gomez. Matters that may require Zoning Code interpretation are not under my authority and therefore should not be a source of conflict of interest. Zoning interpretations are always referred to the Zoning Senior Division Chief of the Development Services Division of RER, who is not under my supervision.

As expressed initially, I am seeking your expert opinion and advise with regards to the steps that I have taken and appreciate any additional recommendation you can offer on this matter.

Thank you for your attention and your service!

Juliana H. Salas, P.E.
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