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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Friday, November 07, 2014 8:59 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Freddy Balsera, CEO, Balsera Communications, Re: Carlos J. Gimenez, Jr. (Conflict of Interest) INQ 14-269

INQ 14-269

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**From:** Freddy Balsera [mailto:freddy@balsera.com]  
**Sent:** Thursday, November 06, 2014 1:48 PM  
**To:** Centorino, Joseph (COE)  
**Cc:** Ric Katz; Sanchez, Gerald (CAO); Diaz-Greco, Gilma M. (COE); Gimenez, Carlos A. (Office of the Mayor)  
**Subject:** RE: INQ - Freddy Balsera, CEO, Balsera Communications, Re: Carlos J. Gimenez, Jr. (Conflict of Interest)

Thank you for your analysis and quick response.

Freddy Balsera  
BALSERA COMMUNICATIONS  
Miami • Washington DC  
[www.balsera.com](http://www.balsera.com)  
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----- Original message -----

From: "Centorino, Joseph (COE)" <[CENTORI@miamidade.gov](mailto:CENTORI@miamidade.gov)>  
Date: 11/06/2014 1:37 PM (GMT-05:00)  
To: Freddy Balsera <[freddy@balsera.com](mailto:freddy@balsera.com)>  
Cc: Ric Katz <[ric@balsera.com](mailto:ric@balsera.com)>, "Sanchez, Gerald (CAO)" <[gks@miamidade.gov](mailto:gks@miamidade.gov)>, "Diaz-Greco, Gilma M. (COE)" <[GDIAZGR@miamidade.gov](mailto:GDIAZGR@miamidade.gov)>, "Gimenez, Carlos A. (Office of the Mayor)" <[Carlos.Gimenez@miamidade.gov](mailto:Carlos.Gimenez@miamidade.gov)>  
Subject: INQ - Freddy Balsera, CEO, Balsera Communications, Re: Carlos J. Gimenez, Jr. (Conflict of Interest)

Mr. Balsera:

You have inquired on behalf of your lobbying firm, Balsera Communications, regarding whether there would be any prohibited conflict of interest created under the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, in connection with possible lobbying that may be done by one of your employees, Carlos J. Gimenez, son of Miami-Dade County Mayor Carlos A. Gimenez, in regard to interactions he may have with members or staff at the Metropolitan Planning Organization (MPO). The matter in question involves a project proposed by your client, Alstom, a train and rail manufacturer based in France, which is not a County contractor. Alstom will be presenting to the City of Miami Commission and staff regarding a public/private partnership involving a rail project in the City of Miami. The Miami City Commission is the sole decision-making body for approval of the project. Carlos J. Gimenez will be lobbying Miami City officials regarding its approval of this project.

The MPO approves federally required plans and transportation policies for the greater Miami area and is a State board, not a County board, although all thirteen County Commissioners are among its 25 members. It plays no formal role in the approval process for the Alstom project. The reason for Carlos J. Gimenez's anticipated interactions with the

MPO arise out of an application to the State of Florida for funding that may be applied to this project. The MPO will be asked to endorse the project as an important priority transportation project in the greater Miami area, for the purpose of bolstering the application for State funds.

Mayor Carlos A. Gimenez does not sit as a member of the MPO and plays no role in its decision-making or advisory capacities. County employees who staff the MPO work under the authority of the MPO in connection with their MPO duties.

Under the circumstances related above, I do not find that there is any prohibited conflict of interest in connection with your employee, Carlos J. Gimenez, acting as a lobbyist before the MPO on this matter. Of course, given that he is the son of the County Mayor and that some members of the MPO are County officials, it is important to avoid any possible conflict of interest under Section 2-11.1(c) of the County Ethics Code, or any appearance or impression of impropriety. Carlos J. Gimenez should not use his familial connection to the County Mayor in any way to advance the goals of your private client, and Mayor Gimenez himself should not be asked by your client or any member of your firm to exert any influence in his official capacity as Mayor over the State of Florida, MPO or City of Miami decision-making processes concerning this project.

Sincerely,

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

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**From:** Freddy Balsera [<mailto:freddy@balsera.com>]  
**Sent:** Monday, November 03, 2014 8:45 AM  
**To:** Centorino, Joseph (COE)  
**Cc:** Ric Katz  
**Subject:** request for ethics opinion regarding Miami Dade

Dear Mr. Centorino:

We have been engaged by a major international corporation to conduct public affairs and public engagement activities in connection with a future project in the City of Miami. A portion of our responsibilities will require that we assist them with interaction with the members of the Miami Dade Metropolitan Planning Organization (MPO). As you are aware, the (MPO) Governing Board approves federally required plans and transportation policies. The MPO for the Miami Urbanized Area was created, as required by federal law, and in accordance with Florida Statutes, by Interlocal Agreement between Miami-Dade County, the Florida Department of Transportation (FDOT), and the Miami-Dade County Public School Board. The MPO is responsible for the transportation planning process in Miami-Dade County. One of its major roles is to ensure conformance with federal and state laws and regulations, which require that highways, mass transit, and other transportation facilities and services be properly deployed and developed in relation to the overall plan of urban development. As a home rule charter county, the Miami Dade MPO's composition is different from other counties in that all Miami Dade County Commissioners serve as members of the MPO Governing Board in addition to representatives from cities with populations greater than 50,000, the School Board, the Miami Dade Expressway Authority and a person representing unincorporated Miami Dade County. The Miami Dade County Mayor does not serve on the Governing Board, does not vote on their issues and does not have veto authority

over their decisions. Additionally, the Executive Director of the MPO is appointed by the Governing Board. The MPO is funded through revenue derived from state grants, federal grants and the local gas tax, not funds from Miami Dade County's general fund or budget.

The corporation that has engaged us takes ethics very seriously and has an entire unit involved in making certain that their team members are completely free of conflicts of interest. They have scrutinized us exhaustively and have recently asked us to seek opinion from the Miami Dade Commission on Ethics and Public Trust as to whether any member of our senior project team would be conflicted and therefore not able to engage with the individual members of the MPO. Our senior project team for this endeavor includes Alfredo J. Balsera, Ric Katz and Carlos J. Gimenez. Our request to you is to please advise us specifically as to whether the rules governing government liaison allow these individuals to be involved in these activities without a violation of ethics rules. Due to the fact that this matter is at issue at this very moment, your expeditious processing of this inquiry would be great appreciated.

Sincerely,

Freddy Balsera

CEO

Balsera Communications