



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

Overtown Transit Village North
701 Northwest 1st Court · 8th Floor · Miami, Florida 33136
Phone: (305) 579-2594 · Facsimile: (305) 579-0273
Website: ethics.miamidade.gov

MEMORANDUM

TO: Marie Williams, Selection Committee Coordinator
Strategic Procurement Department (SPD)

Tiondra Wright, Senior Research Analyst
Office of the Commission Auditor (OCA)

FROM: Loressa Felix, General Counsel
Commission on Ethics and Public Trust

SUBJECT: INQ 2024-163, Voting Conflict of Interest § 2-11.1(v); Appearances of
Impropriety

DATE: October 24, 2024

CC: All COE Legal Staff, Namita Uppal, SPD; Yinka Majekodunmi OCA; Jannesha
Johnson, OCA; Yaritza Reina, OCA

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust (“Ethics Commission”) and requesting our guidance regarding the following proposed transaction.

Facts:

We have reviewed your memorandum dated October 7, 2024, which was prepared in connection with the Appointment of Selection Committee for Miami-Dade County Aviation Department Request for Qualifications for General Aeronautical Service Permits (GASP) to Commercial Aircraft Operators and Airlines – Project No. EVN0000202 (Revised). The memorandum was prepared in connection with Resolution Number R-449-14, directing the Office of the Commission Auditor (“OCA”) to conduct background checks on members serving on evaluation/selection committees.

The memorandum noted that members of the selection committee made disclosures on their Neutrality Affidavit/Disclosure Form that merited submission to the Ethics Commission for an opinion. The memorandum noted that:

- Jenny Deblois, Miami-Dade Aviation Department, Neutrality Affidavit, disclosed claiming the exemption pursuant to F.S. 119.071.
- Arlyn Rull Valenciaga, Miami-Dade Aviation, Neutrality Affidavit, disclosed that her relative, Carlos Esnard, is the Vice president and Corp. Controller for Alliance Ground International, Inc. (AGI). Alliance Ground International, Inc. (AGI) is a respondent to this request. Also, on October 5, 2024, Arlyn Rull Valenciaga, Miami-Dade Aviation, disclosed her 30-year friendship with the president of TS Global Services, Inc. TS Global Services is a respondent to this request.

Prior to Ethics Commission review, the Selection Committee Coordinator advised that Arlyn Rull Valenciaga would not serve on this Selection Committee and the alternate, Raonel Rodriguez, would be used as a voting and scoring member. Therefore, Ms. Valenciaga will not be included in the below analysis.

We also conferred with Ms. Deblois. She is the Division Director 3 and Chief of Staff to Deputy Director (of Operations) for the Miami-Dade County Aviation Department (MDAD). She has worked for the County since 1984, with MDAD since 2008, and as part of the MDAD Deputy Director's office since November 2014. Ms. Deblois indicated in her Neutrality Affidavit that she was claiming an exemption pursuant to F.S. 119.071. Upon further inquiry, Ms. Deblois indicated that she had not been previously employed by any of the respondents to this solicitation nor did she or any of her immediate family members have any relationship with any respondent to the solicitation. She also has no financial interest in any of the respondents. Furthermore, she does not have any business or close social relationship with current employees at the entity that would affect her evaluation of the various respondents to this project.

Ms. Deblois did note a Facebook friendship with a former County coworker who is now a lobbyist for Eulen, a respondent to this solicitation. She indicated that her relationship was limited to social media exchanges and occasional encounters at departmental meetings, such as the Airline Management Council (AMC) which is held monthly at the airport, that they both attend. Ms. Deblois clarified that she has not engaged in any casual social activity with her former coworker, and she does not feel that this relationship would affect how she will evaluate the various respondents to this project. Ms. Deblois believes that she can be fair and impartial when evaluating the various respondents to this project.

Discussion:

This agency conducts reviews of these issues under the County Ethics Code, which governs conflicts by members of County advisory and quasi-judicial boards. We also consider whether there is an appearance of impropriety created and make recommendations based on R-449-14 and Ethics Commission Rule of Procedure 2.1(b).

Specifically, Section 2-11.1(v) of the County Ethics Code states that no quasi-judicial personnel or advisory personnel shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves and the board member has any of the following relationships

with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary or (ii) stock holder, bondholder, debtor or creditor.

In this case, it does not appear that Ms. Deblois will have a voting conflict of interest under Section 2-11.1(v) of the County Ethics Code because she will not be directly affected by the vote, nor does she have any of the enumerated relationships with any entity affected by the vote. *See* INQ 24-42; INQ 22-100; INQ 20-84; INQ 20-79.

Further, as noted above, due to the sensitivity of the procurement process and the need to sustain public confidence in it, the Ethics Commission also opines on whether there may be an appearance of impropriety in a given situation that would justify the removal of a member of an appointed selection committee. *See* Miami-Dade County Code § 2-1067; Ethics Commission Rule of Procedure § 2.1(b). “In all procurement matters, appearances of integrity and fairness are paramount, [as there is a] ‘need for the County to conduct its procurement operations in a manner that will not create appearances of impropriety, favoritism or undue influence . . . [which] may require a higher standard of ethics’” INQ 17-131 (quoting INQ 14-242).

Ms. Deblois has indicated that she has no current ownership interest or other financial interest in any of the respondents to this solicitation, nor does she have any business or close social relationship with current employees of the respondents that would affect her evaluation of the various respondents to this project. Her professional acquaintance and associated social media connection is not, under these facts, sufficient to give rise to a prohibited conflict of interest or appearance of impropriety. Therefore, it is our opinion that Ms. Deblois’ service on this committee would not create an appearance of impropriety or in any way detract from the County’s conducting a fair and objective evaluation for this project. *See* INQ 22-100 (the Ethics Commission found that although a selection committee member maintained professional friendships with one or more employees of a respondent, with whom he rarely socialized, he did not have any close personal or business relationship which would create an appearance of impropriety); *see also* INQ 24-42 (selection committee member’s professional friendship with some of the partners of responding entities, with whom she rarely socializes, would not create an appearance of impropriety since she does not have any business, or close social relationship with current employees at these entities which would affect her evaluation of the various respondents to this project).

Opinion:

Consequently, we see no reason why Ms. Deblois should not serve on this committee because she has no conflict of interest under the Ethics Code and there does not appear to be any appearance of impropriety created by her service on this committee.

However, the member is reminded that the selection committee on which she will serve operates under the County’s Cone of Silence, Section 2-11.1(t) of the County Ethics Code. The Cone of Silence puts significant restrictions on oral communications made by Commissioners, County staff, selection committee members, and prospective contractors, as well as their lobbyists and consultants, regarding any procurement matter during the time that the Cone is in effect. All selection committee members will therefore be prohibited under the Cone from communicating

with any of the responding entities to this solicitation with which they may currently have interactions regarding ongoing projects.

This opinion is limited to the facts as you presented them to the Ethics Commission and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

We appreciate your consulting with the Ethics Commission in order to avoid possible prohibited conflicts of interest. If the facts associated with your inquiry change, please contact us for additional guidance.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.