



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Julie Whiteside
Selection Committee Coordinator
Miami-Dade County Strategic Procurement Department

Yaritza Reina
Executive Secretary
Office of the Commission Auditor

FROM: Etta Akoni, Staff Attorney
Miami-Dade Commission on Ethics and Public Trust

SUBJECT: INQ 2024-172 [Voting Conflict of Interest § 2-11.1(v); Resolution No. 449-14; Appearances of Impropriety]

DATE: December 23, 2024

CC: All COE Legal Staff; Namita Uppal, SPD; Adeyinka Majekodunmi, OCA; Jannesha Johnson, OCA; Pearl Khadar, WASD.

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed action.

FACTS:

We have reviewed the Office of the Commission Auditor memorandum dated December 13, 2024, which was prepared in connection with the Appointment of the Selection Committee for the Port of Miami Request to Advertise for Cargo and Cruise Equipment Program Engineering and Consulting Services – Project No. E23SP02 (“RTA E23SP02”). The memorandum was prepared in connection with Resolution No. 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 two (2) members of the selection committee, Perla Celis and Evelin Legcevic, made disclosures on their Neutrality Affidavits that merited submission to the Commission on Ethics for an opinion. Specifically, the memorandum noted that:

Perla Celis, Seaport Department, disclosed in her Neutrality Affidavit her prior employment with NOVA Consulting in 2009. Ms. Celis disclosed that her spouse worked at NOVA Consulting from 2009 to 2012. NOVA Consulting, Inc. is a respondent to this solicitation.

Evelin Legcevic, Department of Transportation and Public Works, claims exemption status pursuant to F.S. 119.071.

We conferred with Ms. Perla Celis. She is an Architect 3 for the Miami Dade County Seaport Department (PortMiami). In 2009, Ms. Celis worked for NOVA Consulting, Inc. for four (4) months, and from 2009 to 2012 her husband worked for NOVA Consulting, Inc. part-time. Their separations from NOVA Consulting, Inc. were amicable. She confirmed that neither she nor any of her immediate family members have any of the following relationships with Nova Consulting, Inc., nor any of the respondents (including subconsultants) to RTA E23SP02: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary or (ii) stockholder, bondholder, debtor, or creditor.

Ms. Celis stated that she nor any of her immediate family members have any personal financial interests in NOVA Consulting, Inc. nor any of the respondent organizations to this solicitation, nor will she receive any direct financial benefit as a result of RTA E23SP02. Ms. Celis further stated that she does not have any personal, close social, or other relationship with any current employee(s) of NOVA Consulting, Inc. nor any of the respondents to this solicitation. Ms. Celis stated that her work history with NOVA Consulting, Inc. would not impair her independence of judgment when evaluating the various other respondents. Moreover, Ms. Celis believes that she can be fair and impartial when evaluating all respondents to this solicitation.

We also conferred with Ms. Evelin Legcevic. Ms. Legcevic is an alternate member of the Selection committee for RTA E23SP02. Ms. Legcevic is a Traffic Engineering Manager for the Miami-Dade County Department of Transportation and Public Works. Ms. Legcevic claimed an exemption pursuant to Florida Statute 119.071. However, while conferring with Ms. Legcevic, she indicated that she was not aware of any exemption under F.S. 119.071 that applies to her in this circumstance, and she is not requesting any information be exempted from public records. She confirmed that neither she nor any of her immediate family members have any of the following relationships with any of the respondents (including subconsultants) to RTA E23SP02: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary or (ii) stockholder, bondholder, debtor, or creditor.

Ms. Legcevic stated that she does not have any personal financial interests in any of the respondent organizations to this solicitation, nor will she receive any direct financial benefit as a result of RTA E23SP02. Ms. Legcevic further stated that she does not have any personal, close social, or other relationship with any current employee(s) of any of the respondents to this solicitation. Ms. Legcevic stated that she can be fair and impartial when evaluating all respondents to this solicitation.

DISCUSSION:

This agency conducts reviews of potential 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 by the circumstances and make recommendations based on R-449-14 and Ethics Commission Rule of Procedure 2.1(b).

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) stockholder, bondholder, debtor or creditor.

Ms. Celis disclosed that she and her husband were previously employed by NOVA Consulting, Inc., a sub-respondent to the solicitation. As their employment at NOVA Consulting, Inc. ended fifteen (15) years ago for her and twelve (12) years ago for her husband, on an amicable basis, and neither of them have any business, or close social relationship with current employees at the entity, Ms. Celis' prior employment at NOVA Consulting, Inc. would not create a conflict of interest, an appearance of impropriety, or in any way detract from the County's conduct of a fair and objective evaluation for this project. *See* INQ 20-73, INQ 18-202, and INQ 17- 69.

Additionally, Section 2-11.1(x) of the County Ethics Code, commonly referred to as the "Reverse Two-Year Rule," bars County employees from participating in contract-related duties on behalf of the County with a former employer for a period of two years following termination of the prior employment. In this case, Section 2-11.1(x) prohibitions would not apply to Ms. Celis since she last worked for NOVA Consulting, Inc. over fifteen (15) years ago. *See* INQ 17-174, INQ 17-183, and INQ 18-229.

Based on the information provided and pursuant to Sections 2-11.1(v) and (x) of the County Ethics Code, it does not appear that Ms. Celis will be directly affected by the vote, and she does not currently have any of the enumerated relationships with any entity affected by the vote. *See* INQ 23-01.

Ms. Legcevic does not have an enumerated relationship with any of the respondents to this solicitation. Therefore, given the fact that Ms. Legcevic stated that she could be fair and impartial when evaluating the various respondents to this project, there are no facts to demonstrate a potential conflict or appearance of impropriety. *See* INQ 23-62, INQ 20-136, INQ 18-230, INQ 18-47, INQ 18-21, INQ 17-286, INQ 16-165, and INQ 14-279.

OPINION

Perla Celis and Evelin Legcevic do not have any conflicts of interest under the County Ethics Code that would prevent them from serving on this selection committee because they will not be directly affected by the vote, they do not have any enumerated relationships with any entity affected by the vote, and their service on the Selection Committee would not otherwise give rise to an appearance of impropriety. *See* INQ 22-20; INQ 22-19; INQ 18-16.

This opinion is limited to the facts as presented to the Commission on Ethics 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, P.O. Drawer 15709, Tallahassee, FL 32317, phone number (850) 488-7864, <http://www.ethics.state.fl.us/>.

We appreciate your consulting with the 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 opinions provided by the legal staff after review and approval by the Executive Director and/or General Counsel. INQs deal with opinions previously addressed in public session by the Miami-Dade Commission on Ethics and Public Trust or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Ethics Commission when the subject matter is of great public importance or where there is insufficient precedent. While this is an informal opinion, covered parties that act contrary to this opinion may be subject to investigation and a formal Complaint filed with the Ethics Commission.