



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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

Yaritza Reina, Executive Secretary  
Office of the Commission Auditor

**FROM:** Nolen Andrew Bunker, Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust

**SUBJECT:** INQ 2025-08, Voting Conflict of Interest § 2-11.1(v); County Resolution R-449-14, Appearances of Impropriety

**DATE:** January 27, 2025

**CC:** All COE Legal Staff; Lazaro Alvarez, Chief of Seaport Design Services, Miami-Dade Seaport Department

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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 December 13, 2024, which was prepared in connection with the Appointment of Selection Committee for PortMiami Request to Advertise for Planning Consultant Services – Project No. E24SP01. 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 one alternate member of the Selection Committee made disclosures on his Neutrality Affidavit/Disclosure Form that merited submission to the Ethics Commission for an opinion. The memorandum noted that:

Lazaro Alvarez, PortMiami, disclosed in his Neutrality Affidavit that he was previously employed by Bermello Ajamil & Partners, LLC from 2000-2014. Bermello Ajamil & Partners, LLC is a respondent to this solicitation.

We conferred with Mr. Alvarez. He is Chief of Seaport Design Services for the Miami-Dade County Seaport Department (“PortMiami”). Mr. Alvarez confirmed that he previously worked for Bermello, Ajamil & Partners, LLC. He stated that he does not have any ownership interest or other financial interest in the company. He further stated that he does not have any business, close social, or other personal relationship with any current employee of Bermello, Ajamil & Partners, LLC. Finally, Mr. Alvarez affirmed that he can be fair and impartial when evaluating the respondents to this solicitation.

#### Discussion:

The Ethics Commission conducts a review of issues arising under the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”), which governs conflicts by members of County advisory and quasi-judicial boards. The Ethics Commission also considers whether the circumstances presented create an appearance of impropriety and makes recommendations based on Resolution No. 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.

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 concerning 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 Rules 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).

In this case, it does not appear that Mr. Alvarez has a voting conflict of interest under Section 2-11.1(v) of the County Ethics Code because he will not be directly affected by the vote, nor does he have any of the enumerated relationships with any entity affected by the vote. *See* INQ 22-37.

Further, as noted above, due to the sensitivity of the procurement process, the Ethics Commission also opines concerning whether there may be an appearance of impropriety. *See* Miami-Dade County Code § 2-1067; Ethics Commission Rules of Procedure § 2.1(b). Here, as noted above,

Mr. Alvarez was previously employed by Bermello, Ajamil & Partners, LLC, which is a respondent to this solicitation. As Mr. Alvarez's employment with Bermello, Ajamil & Partners, LLC, ended approximately eleven (11) years ago, he does not have any ownership or other financial interest in the company, and he does not have any business or close social relationship with any current employees of the company, it does not appear that Mr. Alvarez's prior employment with Bermello, Ajamil & Partners, LLC, would 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 22-37; INQ 20-136; *see also* INQ 19-14 (finding that Mr. Alvarez did not have a prohibited conflict of interest that would prevent him from serving on a selection committee where Bermello, Ajamil & Partners, LLC, was a respondent).

Accordingly, there does not appear to be any voting conflict or appearance of impropriety that would in any way detract from Mr. Alvarez's ability to conduct a fair and objective evaluation of this solicitation.

Opinion:

Accordingly, consistent with our holdings in prior ethics opinions, **Mr. Alvarez does not have a conflict of interest under the County Ethics Code** that would prevent them from serving on this Selection Committee because he will not be directly affected by the vote, he does not have any enumerated relationship with an entity affected by the vote, and his service, if called upon as an alternate, on the Selection Committee would not otherwise give rise to an appearance of impropriety. *See* INQ 22-37; INQ 19-14.

This opinion is based on the facts presented. If these facts change, or if there are any further questions, please contact the above-named Staff Attorney.

This opinion is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. For an opinion regarding Florida ethics law, please contact the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317, phone number (850) 488-7864, <http://www.ethics.state.fl.us/>.

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*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.*