



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Princess Brown
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 2025-25 [Voting Conflict of Interest § 2-11.1(v); Resolution No. 449-14; Appearances of Impropriety]

DATE: March 27, 2025

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 March 14, 2025, which was prepared in connection with the Appointment of the Selection Committee for the Miami-Dade County Human Resources Department and Internal Services Department Request for Proposals for Employee Life, Accidental Death & Dismemberment and Police Benevolent Association Insurance – Project No. EVN0003581. 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 Office of the Commission Auditor memorandum noted that three (3) members of the selection committee made disclosures on their Neutrality Affidavits that merited submission to the Commission on Ethics for an opinion. Specifically, the memorandum notes that:

A. The appointment memorandum identifies Madelin Rizzo, Finance Department, as a voting member. However, according to an email from the Strategic Procurement Department dated March 12, 2025, Madelin Rizzo will be replaced with one of the alternate members.

Madelin Rizzo was not contacted for this review. Madelin Rizzo was removed from the selection committee, and when requested, Ms. Rizzo's Neutrality Affidavits and resumes were not provided.

B. Barbara Crowe, Gallagher, is listed as a Technical Advisor. Ms. Crowe is not employed by Miami-Dade County, and Gallagher is not a respondent to this solicitation.

A review of Ms. Crowe's Neutrality Affidavit and resume revealed that she is a Senior Area Vice President and lead consultant for Gallagher Benefit Services, Inc. and has been with the Gallagher family of companies since January 2000. We conferred with Barbara Crowe, and she advised that she has never worked for Minnesota Life Insurance Company, she does not have any personal financial interests in Minnesota Life Insurance Company, she does not conduct any personal business with Minnesota Life Insurance Company, nor will she receive a direct financial benefit as a result of this solicitation. Ms. Crowe further stated that she does not have any personal, close social, or other relationship with any current employee(s) of Minnesota Life Insurance Company. And lastly, neither she nor any member of her immediate family have any of the following relationships with Minnesota Life Insurance Company: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary or (ii) stockholder, bondholder, debtor, or creditor.

C. Michael Naftaniel, Human Resources Department, disclosed on his Neutrality Affidavit that he is the current Division Director for Miami-Dade County Benefit Plans.

A review of Mr. Naftaniel's Neutrality Affidavit and resume revealed that he serves as the Director of the County Benefits Plan Division of the People and Internal Services Department. In this role, Mr. Naftaniel works with Minnesota Life Insurance Company in their service to Miami Dade County. Additionally, Mr. Naftaniel indicated on his Neutrality Affidavit that he was claiming an exemption pursuant to F. S. 119.071. We conferred with Mr. Naftaniel, he confirmed that he is the Miami-Dade County Division Director for Benefits Administration and Employee Support Services. In that capacity he interacts with Minnesota Life Insurance Company, but it is strictly for business related to administrative issues while working on behalf of the County and program participants. Mr. Naftaniel works with Minnesota Life Insurance Company about 3-4 times a year. Mr. Naftaniel confirmed that he has no personal financial interest in Minnesota Life Insurance Company, no close personal friendships with (an) employee (s)

of Minnesota Life Insurance Company, and that he will not receive a direct benefit from this solicitation. Mr. Naftaniel indicated that his prior work history at Minnesota Life Insurance Company would not impair his independence of judgment, and he believes that he can be fair and impartial when evaluating all respondents to this solicitation. Mr. Naftaniel also advised that although he is entitled to a public records exemption pursuant to F. S. 119.071, he answered all questions on the Neutrality Affidavit.

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.

Further, 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 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).

Additionally, the Commission on Ethics has indicated in various informal opinions that, absent some other factor, the mere fact that a Selection Committee member has interactions with a respondent in connection with the member’s County duties would not create an appearance of impropriety that could affect the public trust in the integrity of the procurement process. *See* INQ 23-01; INQ 22-147; INQ 20-136; INQ 18-230. The Commission’s opinions note that, in fact, it may be valuable to have an individual on the selection committee who is personally familiar with the work of one or more of the responding firms, particularly where the member also has some special expertise in the services that are being sought by the County. *See* INQ 23-76; INQ 22-153; INQ 20-136; INQ 18-230.

Based on the information provided and pursuant to Section 2-11.1(v) of the County Ethics Code, it does not appear that either Mr. Naftaniel nor Ms. Crowe will be directly affected by the vote, and they do not currently have any of the enumerated relationships with any entity affected by the vote. *See* INQ 23-01. Mr. Naftaniel works with the respondent to this solicitation through his county position, however, the mere fact that a Selection Committee member has had interactions with a respondent or subconsultant in connection with the member's County duties does not, by itself, create an appearance of impropriety. *See* INQ 23-01; INQ 22-147; INQ 16-165.

OPINION

Michael Naftaniel and Barbara Crowe do not have any conflicts of interest under the County Ethics Code that would prevent them from serving as technical advisors on this selection committee because they will not be directly affected by the vote, they do not have any enumerated relationship with an 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 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 Commission on Ethics 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.