



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Sandy Suarez
Construction Manager 2
Miami-Dade County Parks, Recreation and Open Spaces Department

FROM: Etta Akoni, Staff Attorney
Miami Dade County Commission on Ethics

SUBJECT: INQ 2025-43, Section 2-11.1(c), Limitations on Contracting with the County; 2-11.1(n), Action prohibited when financial interests involved.

DATE: May 8, 2025

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust (hereinafter referred to as “COE”) and requesting our guidance regarding possible conflicts of interest arising from your service overseeing construction phase work for Miami-Dade County Parks, Recreation and Open Spaces Department at Amelia Earhart Park, under Community Center and Park Improvements Contract No. 999999-15-013.

Facts

You, Sandy Suarez, are a Construction Manager 2 for Miami-Dade County Parks, Recreation and Open Spaces Department (hereinafter referred to as “PROS”). As a Construction Manager 2, you oversee the work of design professionals (architects, engineers, etc.) during the design phase and construction contractors during the construction phase of assigned projects. PROS is implementing the Community Center and Park Improvements Contract (No. 999999-15-013) at Ameila Earheart Park. You have been selected to oversee the construction phase of Contract No. 999999-15-013. You note that the design and permit phase of Contract No. 999999-15-013 is completed.

One of the sub-consulting firms involved in the design phase—Cordova Rodriguez & Associates, Inc. (civil engineer of record)—was acquired in November 2024 by CSA Group, also known as CSA Central (hereinafter referred to as “CSA”), a firm partially owned by your father-in-law, Juan

Arturo Melgarejo.¹ Moreover, you were employed with CSA as a Senior Architectural Designer from July 1, 2019, to December 10, 2021. You indicate that neither you nor your immediate family members have a current ownership or other financial interest in CSA.

Issue

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”) would prevent Sandy Suarez from being selected to oversee the construction phase of the Miami-Dade County Parks, Recreation and Open Spaces Department Community Center and Park Improvements Contract (No. 999999-15-013), when his former employer, CSA Group, a company partially owned by his father-in-law, now owns a subcontractor for the design phase of the contract.

Analysis

Generally, Section 2-11.1(c)(1) of the County Ethics Code provides that County employees and their immediate family members shall not enter into any contract or otherwise transact any business with the County, “except as provided in subsections (c)(2) through (c)(6).” The County Ethics Code creates the limited exception that County employees and their immediate family members may contract with the County so long as (1) entering into the contract would not interfere with the employee’s full and faithful discharge of his or her County duties; (2) the employee does not participate in determining the subject contract requirements or awarding the contract; and, (3) the employee’s job responsibilities and job description will not require him or her to be involved with the contract in any way, including its enforcement, oversight, administration, amendment, extension, termination, or forbearance. *See* County Ethics Code § 2-11.1(c)(2). However, the County Ethics Code prohibits a County employee, or one of their immediate family members, from transacting business with the County department for which the employee or the immediate family members work. *See* County Ethics Code § 2-11.1(c)(2).

The County Ethics Code defines immediate family as “spouse, domestic partner, parents, stepparents, siblings, half-siblings, stepsiblings, children, and stepchildren.” County Ethics Code § 2-11.1(b)(9). The prohibitions and procedures of the County Ethics Code extend to the immediate family members of the individuals defined in County Ethics Code §§ 2-11.1(b)(1) – (6). However, in-laws are not included in the definition of immediate family member. As you have no involvement or financial interest in your father-in-law’s company, and he is not included in the definition of a prohibited person or immediate family member, the County Ethics Code does not prohibit his company, CSA, from participating in a PROS contract as a subcontractor. *See* INQ

¹ INQ 2023-73 is a Strategic Procurement Department selection committee review for Miami-Dade County Parks, Recreation and Open Spaces Department Request to Advertise for Professional Design Services for Crandon Park Improvements – Project No. A22-PROS-05. Sandy Suarez was chosen as a technical advisory for that project, and CSA Central, Inc. AKA CSA Group was a respondent to this solicitation. In INQ 2023-73, COE recommended that Sandy Suarez be removed from that selection committee because the Reverse Two-Year Rule, Section (x) of the Ethics Code, barred 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 employment relations, as Mr. Suarez ended his employment with CSA Central, Inc., less than two years ago prior to the issuance of INQ 2023-73. Moreover, Sandy Suarez’ close personal relationship to the principal of CSA Group could create an appearance of impropriety.

24-62(The Chief Procurement Officer for the City of Miami has no prohibited conflict of interest as a result of her brother-in-law's proposed contract with the City of Miami Procurement Department because the Chief Procurement Officer has no financial role or interest in her brother-in-law's company, and she recused herself from any involvement with the procurement process regarding the contract for which he submitted a proposal). *See also* INQ 23-139.

Nevertheless, “[i]n 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). As such, close attention must be given to situations that may create an appearance of impropriety affecting the public trust in government. *See* Rule 2.1(b), COE Rules of Procedure.

In INQ 17-214, COE opined that a prospective member of a selection committee did not have a voting conflict of interest under Section 2-11.1(v) of the Ethics Code where his brother-in-law was the owner and principal of a sub-consultant company for a responding prime contractor for the project, because in-laws are not included in the definition of “immediate family” under Section 2-11.1(b)(9) of the Ethics Code; he would not be directly affected; and does not have any of the enumerated relationships required for there to be a voting conflict. However, the COE advised that the individual should not serve on the selection committee due to the perception of a conflict of interest due to the familial tie between the employee and the sub-consultant company's owner. *See* INQ 17-131 (The Construction Manager (CM) for an Aviation Department project could have a conflict regarding his approval of the only sub-contractor proposer because his son works for the sub-contractor and the CM's exercising discretion over the approval could be perceived as exploitation. To avoid an appearance of impropriety created by his son's employment with the sub-contractor, the CM was advised to delegate his authority relating to the approval of the subcontractor to another Aviation manager/employee.) *See also* INQ 24-62.

Moreover, the following limitations in the County Ethics Code would apply to you, your father-in-law, and your father-in-law's company, which subcontracts with PROS through Cordova Rodriguez & Associates, Inc., the civil engineer of record:

- Section 2-11.1(m), Certain appearances and payment prohibited: Mr. Sandy Suarez is prohibited from appearing before any County board or agency on behalf of CSA, Cordova Rodriguez & Associates, Inc. or its prime contractor to make a presentation with respect to any “license, contract, certificate, ruling, decision, opinion, rate schedule, franchise or other benefit.” *See* INQ 21-125.
- Section 2-11.1(g), Exploitation of official position prohibited: Mr. Sandy Suarez is prohibited from using his position to secure any special privileges or benefits for CSA, Cordova Rodriguez & Associates, Inc., or its prime contractor in relation to the Community Center and Park Improvements Contract No. 999999-15-013, or any other contract with the County. *See* INQ 21-125.
- Section 2-11.1(h), Prohibition on use of confidential information: Mr. Sandy Suarez is prohibited from disclosing any confidential information to CSA, Cordova Rodriguez & Associates, Inc. or its prime contractor that he may have obtained from his employment with PROS. *See* INQ 21-125.

Opinion

Based on the facts presented here and discussed above, it appears unlikely that a prohibited conflict of interest may arise out of Sandy Suarez's service on Miami-Dade County PROS Contract No. 999999-15-013. However, to avoid the appearance of impropriety, it is advised that you not be appointed to oversee the construction phase of Miami-Dade County PROS Contract No. 999999-15-013. 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.

Other conflicts may apply based on directives from PROS or under state law. Questions regarding possible conflicts based on PROS directives should be directed to the PROS Director's Office or to the Mayor's Office. 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/>.

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.