



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Jorge Vital, Selection Committee Coordinator
Strategic Procurement Department (SPD)

Yaritza Reina, Executive Secretary
Office of the Commission Auditor (OCA)

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

SUBJECT: INQ 2025-57, Voting Conflict of Interest § 2-11.1(v); Appearances of Impropriety

DATE: June 18, 2025

CC: All COE Legal Staff; Uppal, Namita (SPD); Yinka Majekodunmi (OCA);
Jannesha Johnson (OCA); Font, Brian (PROS)

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

Facts:

We have reviewed your memorandum dated June 11, 2025, which was prepared in connection with the Appointment of Selection Committee for Miami-Dade County Parks, Recreation and Open Spaces Department Request to Advertise for Design-Build Services for the Tropical Park Multi-Use Recreational Facilities and Equestrian Complex – Project No. DB25PR01. 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 a member of the selection committee made a disclosure on his Neutrality/Disclosure Form that merited submission to the Commission on Ethics for an opinion. Specifically, the memorandum noted the following:

- Brian Font, Parks, Recreation and Open Spaces Department, stated on his Neutrality Affidavit that he is the Project Manager for the Amelia Earhart Park Recreation Center and Park Improvement Project. The prime consultants on the Amelia Earhart Park project are Bermello

Ajamil & Partners LLC and Woolpert, Inc. Bermello Ajamil & Partners, LLC and Woolpert, Inc. are respondents to this request.

We conferred with Mr. Font. He is an Architect 3 of the Miami-Dade County Parks, Recreation and Open Spaces Department (PROS). He has worked for PROS since March 2021. Mr. Font indicated in his Neutrality Affidavit that he is the project manager for the Amelia Earhart Park Recreation Center and Park Improvement Project. The prime consultants on the Amelia Earhart Park project are Bermello Ajamil & Partners LLC and Woolpert, Inc., both respondents to this solicitation. He also indicated that Bermello Ajamil is a consultant hired by the County and is a County project manager overseeing the project that Bermello Ajamil is currently working on. Additionally, Mr. Font indicated that he had not been previously employed by any of the respondents to this solicitation, nor did he or any of his immediate family members have any relationship with any respondent to the solicitation. He has no financial interest in any of the respondents. Furthermore, he has no business or close social relationship with current employees at any respondent entity beyond his contact with the companies in furtherance of his County duties, and he felt that his current supervision of these projects will not affect his evaluation of the various respondents to this project. Mr. Font believes that he 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 an appearance of impropriety has been 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.

It does not appear that Mr. Font would have a voting conflict of interest under Section (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.

Further, as noted above, due to the sensitivity of the procurement process and the need to sustain public confidence in it, this agency 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* Section 2-1067, Miami-Dade County Code, and 2.1(b) of the COE Rules of Procedure.

Mr. Font indicated some level of current involvement with and/or supervision over respondents of this solicitation due to his County position. The Ethics Commission 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 public duties would not create an appearance of a conflict that could affect the public trust in the integrity of the procurement process. See INQ 14-279, INQ 16-165, INQ 17-286, INQ 18-21, INQ 18-47, INQ 18-230, INQ 20-136, and INQ 22-153. The Commission's opinions note that it may be valuable to have an individual on a 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 the County seeks. See INQ 18-21, INQ 18-47, INQ 18-230, INQ 20-136, and INQ 22-153. Thus, even though Mr. Font has some level of interaction with a respondent, said interaction would not prohibit his evaluation of the respondents to this solicitation. See INQ 24-04 and INQ 22-153.

Opinion:

Consequently, we see no reason why Mr. Font should not serve on this committee. He has no conflict of interest under the County Ethics Code, or grounds to assert an appearance of impropriety created by his service on this committee.

However, members are reminded that the selection committee, for which they 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 Commission on Ethics, 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 Commission 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.