



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Francela Reyes, Selection Committee Coordinator
Strategic Procurement Department

Yaritza Reina, Senior Executive Secretary
Office of the Commission Auditor

FROM: Nardia Haye, Staff Attorney
Commission on Ethics and Public Trust

SUBJECT: INQ 2025-62, Voting Conflict of Interest § 2-11.1(v); Appearances of Impropriety

DATE: July 2, 2025

CC: All COE Legal Staff; Namita Uppal, Strategic Procurement Department; Adeyinka Majekodunmi, Office of the Commission Auditor (“OCA”); Jannesha Johnson, OCA; Lokhman Kamaruddin, Miami-Dade Aviation Department

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 23, 2025, which was prepared in connection with the Appointment of Selection Committee for Miami-Dade County Department of Transportation and Public Works Request to Advertise for Professional Planning, Design, and Engineering Services for DTPW Infrastructure Project Management – Project No. E23TP07 (Substitution). 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 an alternate member of the Selection Committee made a disclosure on his Neutrality/Disclosure Form that merited submission to the Ethics Commission for an opinion. Specifically, the memorandum noted that:

- Lokhman Kamaruddin, Miami-Dade Aviation Department, stated on his Neutrality Affidavit that several proposers, respondents, and sub-consultants listed that he has current ongoing

airport-related projects. However, Mr. Kamaruddin did not mention the names of those proposers, respondents, or sub-consultants.

We conferred with Mr. Kamaruddin. He is a Construction Manager 3 for the Miami-Dade Aviation Department (“MDAD”). He has worked for MDAD since June 2004. Mr. Kamaruddin advised that he is currently associated with the following projects/respondents to this solicitation:

- Design Project Manager for Central Terminal Redevelopment—Phase 1 (A23AV02)
 - Sub-Consultants: Hadonne Corp. and Louis J. Aguirre & Associates, P.A.
- Design Project Manager for Central Terminal Redevelopment—Phase 2 (A24AV02)
 - Prime Consultant: TYLin International
- Design Project Manager for Central Terminal Redevelopment—Phase 1 and Phase 2 (A18-MDAD-01B)/Project Definition Document Verification Book (Document used for Architecture/Engineering Services Solicitations)
 - Prime Consultant: EAC Consulting, Inc.
- Design Project Manager for MIA AOC-EOC Project (A16-MDAD-01)
 - Sub-Consultant: Gurri Matute, P.A.
- Design Project Manager for MIA TSA Security Checkpoint F Upgrade (A16-MDAD-03)
 - Sub-Consultant: 305 Consulting Engineers, LLC
- Design Project Manager for MIA Conc. F to H Interconnector Project (A19-MDAD-02A)
 - Sub-Consultant: Hammond & Associates, Inc.
- Design Project Manager for Building 3030 C and E Wings Interiors Refurbishment (A19-MDAD-02C)
 - Sub-Consultant: Stantec Consulting Services, Inc.
- Design Project Manager for MIA Airport Wide LiDAR Scanning Services (E20-MDAD-03)
 - Sub-Consultant: GPI Geospatial, Inc.
- Airport Bond Engineering Consulting Services (E20-MDAD-01). The assigned consultant (HNTB Corp.) interacts with each consultant for the above-named projects and with the MDAD Project Managers.
 - Prime Consultant: HNTB Corp.

Additionally, Mr. Kamaruddin 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 of the respondents 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 feels that his current supervision of these projects will not affect his

evaluation of the various respondents to this project. Lastly, Mr. Kamaruddin believes that he can be fair and impartial when evaluating the various respondents to this project.

Discussion:

The Ethics Commission reviews 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 particular circumstances 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.”

Here, it does not appear that Mr. Kamaruddin 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.

Moreover, 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 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).

In this instance, Mr. Kamaruddin outlined his current involvement with and/or supervision over respondents of this solicitation due to his County position. However, the Ethics Commission determined in prior 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 would 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. In fact, the Commission’s opinions note that it may be valuable to have a selection committee member 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.

Accordingly, although Mr. Kamaruddin has some interaction with certain respondents, this interaction would not prohibit his evaluation of the respondents to this solicitation. See INQ 24-04 and INQ 22-153.

Opinion:

Consequently, **Mr. Kamaruddin does not have a conflict of interest under the County Ethics Code** that would prevent him from serving on this Selection Committee if called upon as an alternate, nor does his service on the Selection Committee create an appearance of impropriety.

However, members are reminded that the Selection Committee for which they will serve operates under the County's Cone of Silence, as outlined in 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.