

Meyers, Robert (COE)**INQ 06-40**

From: Meyers, Robert (COE)
Sent: Monday, March 13, 2006 4:17 PM
To: Martinez, Maria (CAO)
Subject: Request for opinion

Dear Ms. Martinez,

I am in receipt of your letter dated March 6, 2006 and I want to respond accordingly. I understand from the facts you have provided me that you are an employee of the County Attorney's office and your son, who is a civil engineer and co-owner of an engineering firm, is contemplating doing business with Miami-Dade County. You further state that your responsibilities with the County Attorney's Office are unrelated to contracting or procurement by Miami-Dade County. You inquire whether your employment with the County prohibits your son from doing business with the County.

The County's Conflict of Interest and Code of Ethics Ordinance bars immediate family members of County employees from doing business with the County – either individually or through a business entity where the immediate family members has a controlling financial interest. This ban on transacting business with the County does not apply under the following circumstances: 1) the contract is not with the employee's department; 2) the employee has not participated in the award of the contract and 3) the employee is not involved in the regulation, oversight, management, policy-setting or quasi-judicial authority of the contract. Under the circumstances you have described, you would not be in violation of the County Conflict of Interest and Code of Ethics Ordinance if your son entered into a contract with Miami-Dade County to provide engineering services to the County.

If you have any additional questions, feel free to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust

3/13/2006

March 6, 2006

Mr. Robert Meyers
Executive Director
Commission on Ethics and Public Trust
19 West Flagler Street, Suite 207
Miami, Florida 33130

Re: Conflict of Interest Opinion

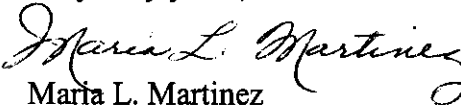
Dear Mr. Meyers:

I have been an employee of the Miami-Dade County Attorney's Office for the past thirty some years. My son, Jose A. Munoz, is a civil engineer and co-owner of the firm BCC Engineering, Inc., a Florida corporation. The nature of the work the company is involved with is to render civil engineering services to different governmental offices and private companies. His firm is hoping to do business with Miami-Dade County in the future.

I have reviewed the Conflict of Interest and Code of Ethics Ordinance and do not know if I need to comply with the requirements of Sec. 2-11.1 (c)(2) therein, before the company seeks any County contracts. As an employee of the County Attorney's Office, I am classified as an Eminent Domain Administrator/Paralegal and my work involves the handling of real estate and eminent domain matters for the office. I have no involvement determining contract requirements or awarding or enforcing any contracts issued by the departments. I am likewise not involved with any contract-related litigation.

Based on the facts delineated above, I am requesting an opinion, if you deem it necessary.

Very truly yours,


Maria L. Martinez