

**COMMISSION ON ETHICS  
ADVISORY OPINION  
RQO-98-15**

**BACKGROUND:** Cheryl [redacted], owner of Premium Coffee Service, is seeking an advisory opinion regarding her ability to contract with the county as long as she has a shareholder who is a full-time employee with the Information Technology Department.

**NARRATIVE:** Marjorie Firestone, a Computer Services Manager with the Information Technology Department, is a two percent shareholder of Premium Coffee Service. Premium Coffee Service is seeking Business Certification from Miami-Dade County.

**ARGUMENT:** The Conflict of Interest and Code of Ethics ordinance does not prohibit Premium Coffee Service from applying for business certification because Firestone is a minority shareholder. Section 2-11.1(d) of the Dade County Code provides that a county employee may not enter into any contract or transact any business through a firm, corporation, partnership or business entity in which he or any member of his immediate family has a controlling financial interest, direct or indirect, with Dade County or any person or agency acting for Dade County. The Code defines controlling financial interest as ownership, directly or indirectly of ten or more of the outstanding capital stock in any corporation.

Firestone does not does not have a controlling financial interest because she does not own at least ten percent of the stock in Premium Coffee Service. Therefore, the Conflict of Interest and Code of Ethics ordinance does not prohibit Premium Coffee Service from applying for business certification.

**CONCLUSION:** Premium Coffee Service is not prohibited from transacting business with Miami-Dade County by the Conflict of Interest and Code of Ethics ordinance by Firestone's minority shareholder interest in the company.