

**COMMISSION ON ETHICS  
ADVISORY OPINION  
RQO-98-19**

**BACKGROUND:** [REDACTED], District Coordinator for Commissioner Jimmy Morales, is seeking an advisory opinion as to whether an extension of her husband's contract to provide food services at the Richard Gerstein Justice Building is barred by the Conflict of Interest and Code of Ethics ordinance. A request for opinion was also filed by the General Services Administration (GSA) regarding the same issue.

**NARRATIVE:** LML Restaurant Corporation d/b/a The Pickle Barrel is a company owned by [REDACTED] that has a county contract which predates [REDACTED] county employment. Since the restaurant contract was awarded, [REDACTED] became District Coordinator for Commissioner Morales and [REDACTED] was appointed District Eight representative to the Safe Neighborhood Park Oversight Committee. The original contract, which has already been extended for a period of five years, expires in January 1999 and the county wishes to extend the contract in order to have time to prepare a new Request for Proposal (RFP).

**ARGUMENT:** The Conflict of Interest and Code of Ethics ordinance bars LML restaurant from extending their current county contract. Section 2-11.1(d) of the Dade County Code provides that no person included in categories (b)(1) through (b)(6) shall 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 and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. Although the ordinance does not apply retrospectively to contracts entered into prior to employment or appointment, the ordinance prevents the county from entering into new agreements with a company owned by an employee or a member of a standing County board. An extension of the current contract would be barred by the ordinance.

**CONCLUSION:** LML Restaurant Corporation is precluded from entering into an extension of their current contract. However, pursuant to 2-11.1(c)(3), the Board of County Commissioners may waive the requirements of the ordinance by a two-thirds vote.