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VIA FACSIMILE (305) 375-1157

March 8, 1999

[REDACTED]
 General Services Administration
 111 N.W. First Street
 Suite 2410
 Miami, Florida 33128

RE: REQUEST FOR ADVISORY OPINION RQO 99-08⁹

Dear Mr. [REDACTED]

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 4, 1999 and rendered its decision based on the facts stated in your letter.

You requested an advisory opinion regarding whether you may contract with a successor corporation of a spouse of a county employee.

In your letter, you advised the Commission that LML Restaurant Corporation formerly owned the Pickle Barrel restaurant in the Richard E. Gerstein Building. [REDACTED] owned LML Restaurant Corporation. [REDACTED] wife is an aide to Commissioner Jimmy Morales. In a prior opinion, RQO 98-19, the Commission found that the General Services Administration could not continue to contract with [REDACTED] because his spouse was a county employee. Subsequently, [REDACTED] divested

himself of his interest in the corporation and sold the business to R.A. Kitchens, Inc. R.A. Kitchens is owned by [REDACTED] nephew, Raoul Artiles, who has served as manager of the restaurant.

The Commission found that GSA may contract with R.A. Kitchens, Inc. because Artiles is not a member of the immediate family of a county employee as defined under the ordinance and [REDACTED] does not have a controlling financial interest in the new corporation. 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. An immediate family member is defined in the ordinance as the spouse, parents and children of the person involved. Since Artiles does not fit within the definition, the County may contract with his corporation to provide food services.

If you have any questions regarding the opinion, please call Robert Meyers, Executive Director at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,



ROBERT MEYERS
Executive Director