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June 3, 1999

Gary Dellapa
Director
Miami-Dade Aviation Department
P.O. Box 592075
Miami, Florida 33159

RE: REQUEST FOR ADVISORY OPINION 99-20

Dear Mr. Dellapa:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on May 27, 1999 and rendered its opinion based on the facts stated in your memorandum.

You requested an opinion regarding the award of a contract to the spouse of a department employee.

In your memorandum, you advised the Commission that the low bidder on a contract to provide locks was Renderer, Inc. Renderer, Inc. is owned by the spouse of the Aviation Department's locksmith. The contract calls for specific brands of locks and Renderer, Inc. is the only qualified vendor to provide the locks.

The Commission found that the Conflict of Interest and Code of Ethics ordinance prohibits the Aviation Department from contracting with the spouse of an employee to provide locks. Section 2-11.1(d) of the Miami-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 and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. Immediate family is defined in the ordinance as spouse, parents and children of the person involved. Therefore, Renderer, Inc. may not be awarded the lock contract absent a waiver of the requirements of the Conflict of Interest and Code of Ethics ordinance by the County Commission under 2-11.1(c).

Accordingly, the Conflict of Interest and Code of Ethics ordinance prohibits the Aviation Department from contracting with Renderer, Inc. to provide locks because the company is owned by the spouse of a county employee unless the requirements of the ordinance are waived by the County Commission.

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

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS
Executive Director