



April 14, 2000

ETHICS COMMISSIONERS

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Silvio Mancha
Enfoque 3
P.O. Box 65-0833
Miami, FL 33265

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

RE: REQUEST FOR ADVISORY OPINION 00-31

CHRISTOPHER R. MAZZELLA
INSPECTOR GENERAL

Dear Mr. Mancha:

ARDYTH WALKER
STAFF GENERAL COUNSEL

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 12, 2000 and rendered its opinion based on the facts stated in your memorandum.

You requested an opinion regarding your ability to contract with the county.

In your letter, you advised the Commission that your wife is a secretary for Commissioner Reboredo. Your publication, Enfoque Metropolitano, is a community newspaper that receives county advertising through the Community Periodical Newspaper Program. You were recently notified that the Communications Department was not renewing your advertising contract due to the prohibition against immediate family members of county employees contracting with the county.

The Commission found The Conflict of Interest and Code of Ethics ordinance does not prohibit Mancha from contracting with the Communications Department to receive advertising. Section 2-11.1(c), as amended, provides that "Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be construed to prevent any employee...from entering into any contract,

individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County as long as 1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract awards or awarding the contract , and 3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance." Since your wife's job responsibilities with Commissioner Reboredo's office does not fall into any of the prohibitions against contracting enumerated in the ordinance, you may contract with the Communications Department to receive advertising.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,



ROBERT MEYERS
Executive Director