



ETHICS COMMISSIONERS

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EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

January 29, 2009

To:
Mario Gonzalez, President
MAGGOLC, INC.
11020 SW 55th St.
Miami, FL 33165

Copy:
Kay Sullivan, Clerk of the Board
Board of County Commissioners
111 NW 1st St.
Miami, FL 33128

Via First Class Mail and Fax at 786 472-8831

Re: RQO 09-01

Request to be placed on the agenda of a public meeting of the Board of County Commissioner to seek a waiver from a prohibition in the County Ethics Code at §2-11.1 (c)(2).

Dear Mr. Gonzalez:

This letter is being sent to you, with a copy to the Board of County Commissioners, to request that your issue be placed on the agenda of a public meeting. You are seeking a waiver from the prohibition in the County Ethics Code at § 2-11.1 (c)(2), which bars you and your company from contracting with the County Public Works Department.

You are appealing a decision by the Miami-Dade Commission on Ethics made on January 29, 2009. The Ethics Commissioners opined that your company, MAGGOLC, INC., may serve as a County vendor, but your company may *not* contract with the County Public Works Department because your wife, Olga Leon, is employed by the Public Works Department.¹

The County ordinance governing these facts is found at § 2-11.1 (c)(2), which states the following:

Prohibition on transacting business within the County.

(c)(2) County employees' limited exclusion from prohibition on contracting with the County. Notwithstanding any provision to the contrary herein, [this subsection] shall not be construed to prevent any employee ... or his or her immediate family ... 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

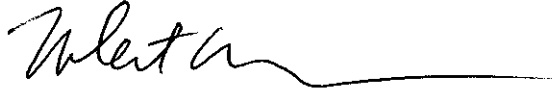
¹ This decision agrees with on an earlier informal opinion given to you by Ethics Commission staff in INQ 08-180 on Dec. 9, 2008.

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 requirements or awarding the contract, and 3) the employee's job responsibilities and job description will not require him or her to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. **However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County if the employee works in the County department which will enforce, oversee or administer the subject contract.** (Emphasis added.)

You have satisfied § 2-11.1 (c)(4) of the County Code by filing a notice of appeal with the Ethics Commission today. We are, therefore, forwarding your request for a hearing to the Board of County Commissioners.

Please feel free to contact Victoria Frigo, Staff Attorney, at 305.350.0601, or Robert Meyers at 305.579.2594, if we can be of further assistance in this matter.

Sincerely yours,



ROBERT MEYERS
Executive Director

Attachments: INQ 08-180
Memo to Commission on Ethics re RQO 09-01
Your email dated January 29, 2009