



Via First Class Mail
and
email at ttconsultinginc@att.net

ETHICS COMMISSIONERS January 25, 2010

Kerry E. Rosenthal, CHAIRPERSON
Dawn E. Addy, VICE CHAIRPERSON
Magda Abdo-Gomez
Judge Seymour Gelber
Erica Wright

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

To:
Joseph L. Tomlin, President
TOMLIN TRANSPORTATION
CONSULTING, INC.
14144 SW 166th Terrace
Miami, FL 33177

Copy:
Diane Collins, Acting Division Chief
Clerk of the Board of County
Commissioners
111 NW 1st St.
Miami, FL 33128

Re: RQO 10-02

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. Tomlin:

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 Transit Department.

You are appealing a decision by the Miami-Dade Commission on Ethics made at a public meeting on January 21, 2010. The Ethics Commissioners opined that your company, TOMLIN TRANSPORTATION CONSULTING, INC., may serve as a County vendor, but your company may *not* contract with the County Transit Department because your wife, Ramona Tomlin, is employed by the Transit 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 controlling financial interest, with Miami-Dade County or any person or agency acting for Miami- Dade County,

¹ This decision confirmed an earlier informal opinion given to you by Ethics Commission staff in INQ 10-08 on Jan. 14, 2010.

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 requesting an appeal with the Ethics Commission on January 21, 2010, at a public meeting. 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:
Record of Your Request

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| ① | 1/13/10 | Original request for ethics opinion from Joseph L. Tomlin regarding his ability to become a county vendor |
| ② | 1/14/10 | INQ 10-08, informal staff opinion sent to Mr. Tomlin stating that he could not contract with the Transit Department |
| ③ | 1/17/10 | Mr. Tomlin's email request for a waiver of the informal ethics opinion he received in INQ 10-08 |
| ④ | 1/21/10 | RQO 10-02 Memo to Ethics Commission, affirmed by the Ethics Commission in a public meeting on Jan. 21, 2010, advising that Mr. Tomlin has a conflict under County Code § 2-11.1 (c)(2) and that he is seeking a waiver of the prohibition that he cannot contract with the County Transit Department |