



Via First Class Mail
and
email at sm.interconsulting@gmail.com

February 10, 2011

ETHICS COMMISSIONERS

Kerry E. Rosenthal, CHAIRPERSON
Dawn E. Addy, VICE CHAIRPERSON
Charlton Copeland
Judge Seymour Gelber
Nelson Bellido

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

Juan Jose Santandreu, Manager
SM INTERCONSULTING, LLC
271 W 59th St.
Hialeah, FL 33012

Re: RQO 11-03

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

Dear Mr. Santandreu:

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 as well as the Department of Environmental Resources Management (DERM).

You are appealing a decision by the Miami-Dade Commission on Ethics made at a public meeting on February 8, 2011. The Ethics Commissioners opined that your company, SM INTERCONSULTING, LLC, may serve as a County vendor, but your company may *not* contract with the County Public Works Department because your son, Juan J. Santandreu, is employed by the Public Works Department. Additionally, your company may *not* contract with DERM because your spouse, Margo Mirabal, is employed by DERM.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, 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

¹ This decision confirmed an earlier informal opinion given to you by Ethics Commission staff in INQ 10-185 on November 18, 2010.

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 February 8, 2011, 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

Copies:

Diane Collins, Clerk of the Board
Board of County Commissioners
111 NW 1st St.
Miami, FL 33128

Gerald Sanchez, Assistant County Attorney
Miami-Dade County
111 NW 1st St.
Miami, FL 33128

Attachments, Records of Your Request:

- ① 11/17/10
Original request for ethics opinion from Juan Jose Santandreu regarding his ability to become a county vendor
- ② 11/18/10
INQ 10-185, informal staff opinion sent to Mr. Santandreu stating that he cannot contract with the Public Works Department or DERM
- ③ 2/8/11
RQO 11-03 Memo, approved at a public meeting by the Miami-Dade Commission on Ethics, acknowledging Mr. Santandreu's appeal from the informal decision and reaffirming the prohibition to contract with the Public Works Department or DERM