

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, August 02, 2018 10:34 AM
To: Sanchez, Rodzandra (COE)
Subject: Ralph Ventura, Deputy City Manager, City of Sweetwater, Prohibited Business Transactions (u), INQ 18-187

INQ 18-187 Ventura

From: Ralph Ventura [mailto:rventura@cityofsweetwater.fl.gov]
Sent: Thursday, August 02, 2018 9:15 AM
To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Re: Ralph Ventura, Deputy City Manager, City of Sweetwater, Prohibited Business Transactions (u), INQ 18-187

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After review of the COE opinion, I will decline the offer. Thank you for your assistance.

Ralph Ventura, JD
Chief Of Staff & Deputy City Manager

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"I'm for truth, no matter who tells it. I'm for justice, no matter who it's for or against." -
Malcolm X

Dear Mr. Ventura,

You have requested an opinion regarding whether there would be a conflict of interest for you, as Chief of Staff/Deputy City Manager for the City of Sweetwater, to enter into a business transaction representing a City Vendor in other municipalities.

Background

You are the Chief of Staff/ Deputy City Manager for the City of Sweetwater. You work for the City Mayor whose role is comparable to a city manager in other municipalities in that, the Mayor is charged with the supervision of all City departments and the management and administration of the City government, including the signing of all contracts on behalf of the City, oversight, administration and enforcement of all City contracts. You advise your position is “one level below the Mayor”. You also indicated that there’s an Assistant City Manager who is “below you” in the hierarchy of the Mayor’s Office. You indicated that you have been granted permission by the Mayor to engage in outside employment as an attorney for Ralph Ventura, P.A.

The City of Sweetwater has a contract with a private vendor (Vendor) to provide and/or maintain the City’s bus benches. You indicate that you personally know the Vendor since he is a life-long friend of your former law partner. The Vendor would like to retain your services to represent his interests and/or lobby in other municipalities in Miami-Dade County (presumably obtaining similar contracts with other municipalities). With respect to the Vendor’s contract with the City of Sweetwater, you indicate that you have no authority over his contract (The City Commission approves the contract); that you do not oversee or enforce the contract; and that, any permitting issues involving the contract are not under your purview. Nevertheless, you inquire whether the prospective business relationship presents a conflict of interest.

Analysis

The County Ethics Code at Section 2-11.1(u) prohibits certain municipal officials and personnel, including a staff member of an elected official and/or a Senior Assistant to the City Manager, from entering into a business transaction with any person or entity that has a contract with the city unless said business transaction is an arm’s length transaction made in the ordinary course of business, i.e. that contains no special present or future benefits. As a Deputy City Manager, your position falls under the personnel included in Section 2-11.1(u).

Your duties as Deputy City Manager are not ministerial but rather, you are inherently involved in the duties and responsibilities delegated to the Mayor’s Office which include, despite your assurances, decisions regarding oversight, administration or supervision of city contracts , therefore, your prospective business transaction with a City vendor is

not considered an arm's length transaction permitted under the County Ethics Code. *See INQ 14-40 Ethics Opinion to you, February 21, 2014.* In the event that you become insulated from any oversight or involvement with the Vendor's contract, that responsibility would have to be delegated to another employee who would not be subject to your supervision. This may prove unworkable given your position as "one level below the Mayor." Consequently, the business transaction with the City Vendor would be prohibited under the Ethics Code.

Furthermore, we note that Section 112.313(7), Fla. Stats., prohibits public officers and employees from having contractual relationships with any business which is doing business with his or her agency. You may wish to contact the Florida Ethics Commission for an opinion under State law on this issue.

This opinion is based on the facts as presented. If any of these facts change, please contact us.

Sincerely,

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

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