

Sanchez, Rodzandra (COE)

From: Turay, Radia (COE)
Sent: Thursday, August 16, 2018 6:25 PM
To: Diaz-Greco, Gilma M. (COE)
Cc: Sanchez, Rodzandra (COE); Perez, Martha D. (COE)
Subject: FW: INQ 18-201, Jackelin Lemus, SBD Contract Certification Specialist II, ISD (gifts, exploitation)

From: Turay, Radia (COE)
Sent: Thursday, August 16, 2018 6:24 PM
To: Lemus, Jackelin (ISD) <Jackelin.Lemus@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: INQ 18-201, Jackelin Lemus, SBD Contract Certification Specialist II, ISD (gifts, exploitation)

Dear Ms. Lemus,

You inquire whether a prohibited conflict of interest would exist where you, a County certification specialist, is seeking to purchase products from a company that is a Miami-Dade certified and approved small business enterprise.

Background

- a) You are employed as a Contract Certification Specialist II in Miami-Dade County Internal Services Department, Small Business Development Division.
- b) McMaster Concrete Products, LLC dba Florida Block is a Miami-Dade certified and approved Small Business enterprise. The company sells construction blocks.
- c) You did not certify or approve their SBE application.
- d) You have no financial or ownership interest in the business.
- e) You are not seeking to enter into any contract with Florida Block.
- f) You will have no involvement in any contract that the Company will seek at Miami-Dade County.
- g) You are simply seeking to purchase products from the company, as might any member of the public.

Analysis

Section 2-11.1(e) of the County Ethics Ordinance governs gifts, and disclosure of gifts is addressed in Section 2-11.1(e)(4) of the ordinance. Under the latter section, gifts, or a series of gifts received from any one person or entity, which have a value in excess of One Hundred Dollars (\$100.00), must be disclosed by public officials or employees in the County on the form required by Chapter 112, Florida Statutes, for "local officers."

Under Section 2-11.1(e)(1), a gift is defined as the "transfer of anything of economic value...without adequate and lawful consideration." Based on the information you have provided, any item that you purchase from Florida Block, will not be considered as a gift under the Ethics Code as you have represented that any item you purchase from the company shall be set at a price and upon terms available to similarly situated members of the general public; you will not ask for any discounts from the company, nor is one being offered to you; and you will go through the company's normal purchasing process utilized by similarly situated members of the general public. See INQ 18-14.

Please be aware, that Section 2-11.1(g), County Ethics Code, specifically prohibits County employees from using their official County position to secure privileges or exemptions for themselves or others. You may not reference your County employment during the transaction. We also recommend that in order to avoid the appearance of impropriety, all

purchases from the company must be conducted at “arms –length” and “in the ordinary course of business.” See Sec. 2-11.1(u) of the Ethics Code.

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

Sincerely,

RADIA TURAY

Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 350-0601
Fax: (305) 579-0273
Ethics.miamidade.gov

From: Lemus, Jackelin (ISD)
Sent: Friday, August 10, 2018 11:17 AM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: Opinion

Good morning Ms. Turay,

See my response next to your questions below.

Should you have any questions or concerns, you may contact me directly or the Certification Unit at 305-375-3111.

Regards,

Jackelin Lemus, SBD Contract Certification Specialist II
Miami-Dade County Internal Services Department
Small Business Development Division
111 NW 1st Street, Suite 1900
305-375-3134 Direct
305-375-3111 Office

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All Lobbyists must register prior to any meeting with County Personnel. Register at: Clerk of the Board, 111 NW 1st Street, 17th Floor. Contact Person: Claude Francis at [305-375-5137](tel:305-375-5137).



Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

From: Turay, Radia (COE)
Sent: Friday, August 10, 2018 10:56 AM
To: Lemus, Jackelin (ISD) <Jackelin.Lemus@miamidade.gov>
Subject: RE: Opinion

Hello Ms. Lemus,

It was a pleasure speaking to you a few minutes ago. Please answer the brief questions below:

- a) Through your employment in the County, did you certify and approve McMaster Concrete Products, LLC dba Florida Bock. **No**
- b) Do you have a financial or ownership interest in the business. **No**
- c) Are you seeking to enter into any contract with McMaster Concrete Products, LLC dba Florida Bock. **No, I am researching concrete block vendors.**
- d) Do you have any involvement in any contract that the Company will seek at Miami-Dade County. **No**

Thanks,
Radia.

From: Lemus, Jackelin (ISD)
Sent: Wednesday, August 08, 2018 10:24 AM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: Opinion

Good morning,

I am a certification specialist in Small Business Development, under Internal Services Department.

I am interested in requesting a quote to purchase construction blocks from a certified and approved SBE firm, McMaster Concrete Products, LLC dba Florida Bock. Am I able to purchase from this company? I would be paying full price and going about the purchasing process as any customer would.

Should you have any questions or concerns, you may contact me directly or the Certification Unit at 305-375-3111.

Regards,

Jackelin Lemus, SBD Contract Certification Specialist II
Miami-Dade County Internal Services Department
Small Business Development Division
111 NW 1st Street, Suite 1900
305-375-3134 Direct
305-375-3111 Office

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