



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Maria Elena Villegas, President
Ecocare Building Solutions

FROM: Radia Turay, Staff Attorney
Commission on Ethics

SUBJECT: INQ 20-15

DATE: February 24th, 2020

CC: All COE Legal Staff; Sgt. Villegas, Miami-Dade Police Department

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding relatives of Miami-Dade County employees applying to become County vendors.

Facts:

You advise that while you are not a County employee, your spouse, Angel M. Villegas, is a County employee working at the Miami-Dade Police Department (“MDPD”) as a Sergeant. You would like to contract with the County through your privately-owned business, Ecocare Building Solutions, LLC (“Ecocare”), a janitorial cleaning company. Ecocare is seeking to contract with Miami-Dade County.

Issue:

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”) would prevent Ecocare, from contracting with the County.

Discussion and Opinion:

Your inquiry involves several sections of the County Ethics Code which are analyzed below:

A. Contracting with the County

The County Ethics Code at Sections 2-11.1 (c)(2) and (d) allow you to enter into a contract, individually or through a firm, with Miami-Dade County, as

long as the contract does not interfere with the full and faithful discharge of your spouse's duties to the County.

This means that Sgt. Villegas shall not participate in determining the contract requirements or in awarding the contract. Additionally, none of Sgt. Villegas responsibilities and job descriptions shall require him to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. In your case, this means that Ecocare, shall not enter into contracts with MDPD. See County Ethics Code §§ 2-11.1 (c) and (n).

B. Lobbying

Furthermore, your spouse may not lobby the County on behalf of Ecocare. This means that your spouse may not appear before any County board or agency to represent Ecocare, nor contact anyone within the County in an attempt to influence a decision about any contract that Ecocare is seeking. See the County Ethics Code §§ 2-11.1 (m)(1).

C. Exploitation of Official Position

Finally, the County Ethics Code prohibits County employees from exploitation of their official position. In this instance, it means that your spouse may not use his County position to secure special privileges or exemptions with respect to any County contract to which Ecocare is applying. See County Ethics Code § 2-11.1(g).

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

Please submit this memorandum to the Procurement Department. The Ethics Commission does not submit it on your behalf.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.

