

Memorandum



Date: August 15, 2007
To: Lisset Cabrera (PWD), Clerk 4
From: Victoria Frigo (COE), Staff Attorney
Subject: INQ 07-128, regarding sale of your travel trailer for full and fair value to a County vendor doing business with the Public Works Dept.

Ms. Cabrera,

In a phone conversation today, I confirmed that you would not violate the Ethics Ordinance by selling your travel trailer to a County vendor for full and fair value in an arm's length transaction.

These are the facts you presented:

1. You advertised to sell your travel trailer on Craig's List.
2. A County vendor who contracts with the Public Works Department saw the ad and wishes to purchase the trailer.
3. You are not providing a special benefit, such as a discount, to the vendor, nor is he providing you a special benefit in purchasing the trailer at fair value. Additionally, no subsequent benefits to either you or the purchaser will result from this sale.
4. Your duties with the Public Works Dept. include placement of advertising and responding to successful bidders. All of your duties are completely ministerial, and you do not make any decisions regarding vendor selection, supervision, and/or termination.

Because you are selling your travel trailer for adequate consideration in an arm's length transaction during the ordinary course of business, and you have no supervisory authority regarding contracts with vendors in your department, the Ethics Code does not prohibit you from selling the trailer to a County vendor.

If you have additional questions, please feel free to contact me at 305 350-0601.