

September 20, 2007

Santos F. Rivero
Foster Windows & Shutters, Inc.
715 NE 79th Street
Miami, FL 33138

Via First Class Mail and Fax at 305. 754.0341

RE: INQ 07-145

Permission for Santos F. Rivero to register Foster Windows & Shutters, Inc., as a County vendor is approved, as long as Foster Windows & Shutters, Inc., does not contract with the Parks & Recreation Department and/or the Housing Agency and/or is not supervised by the Parks & Recreation Department and/or the Housing Agency

Miami-Dade County Conflict of Interest & Code of Ethics at § 2-11.1 (c)

Dear Mr. Rivero:

In correspondence to our office on September 10, 2007, and conversations thereafter, you provided the following information:

1. Your son, Cesar F. Rivero, works as a Maintenance Supervisor for the Miami-Dade County Parks & Recreation Department.
2. Your daughter, Mercedes M. Nieves, works for the Miami-Dade County Housing Agency as a Clerk 4.
3. You wish to provide window and shutter products to the County through your business called "Foster Windows & Shutters, Inc."

The Commission on Ethics & Public Trust finds that Foster Windows & Shutters, Inc., may provide window and shutter products to certain County departments, but ***not to the County Parks & Recreation Department*** and ***not to the County Housing Agency***. Additionally, regardless of the

department/s that Foster Windows & Shutters, Inc., contracts with, your company *may not be supervised by the Parks & Recreation Department and/or the Housing Agency.*

This opinion is premised on the following criteria being met:

1. Contracts between Foster Windows & Shutters, Inc., and the County will not interfere with the full and faithful discharge of your son's duties and/or your daughter's duties to the County.
2. Your son and/or daughter will not participate in determining contract requirements for contracts that Foster Windows & Shutters, Inc., will apply for.
3. Your son and/or daughter will not participate in awarding any contracts to Foster Windows & Shutters, Inc.
4. Your son's job responsibilities and job description and/or your daughter's job responsibilities and job description will not require them to be involved in contracts with Foster Windows & Shutters, Inc., in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination, or forbearance.
5. Your son and/or daughter will not work in any County department that will enforce, oversee, or administer contracts with Foster Windows & Shutters, Inc.

If you have further questions, please do not hesitate to contact our office at 305 579-2594.

Sincerely,

VICTORIA FRIGO
Staff Attorney

copies: Cesar F. Rivero, Maintenance Supervisor
Miami-Dade County Parks & Recreation Department
11395 SW 79th Street
Miami, FL 33173-3636

Mercedes M. Nieves, Clerk 4
Miami-Dade County Housing Agency
25 W. Flagler St., Floor # 7
Miami, FL 33130