

Meyers, Robert (COE)

JNO 07-130

From: Meyers, Robert (COE)
Sent: Monday, August 06, 2007 3:55 PM
To: LaPradd, Charles (EPS)
Subject: RE: conflict of interest question

Dear Mr. LaPradd:

Thank you for your request for opinion. After consulting with staff, it is our conclusion that a conflict of interest would exist if you were involved in negotiations with the firm owned by the business partner of your wife's brother-in-law. The fact is that partnership law treat negotiations with one partner as the same as negotiating with all other partners, as the partners tend to share common interests. A conflict of interest is created because of the property you own in Georgia with your wife's brother-in-law and the ethics code attempts to address scenarios where a person could conceivably put their personal, private interests ahead of the County's interest. In essence, you might wind up negotiating with your wife's brother-in-law indirectly and at the same time sharing a personal investment with him.

To be on the cautious side, I would recommend that you remove yourself from the negotiations with all firms. The argument could be made that if you participate in the other two and recuse yourself from the third, you could orchestrate a result that would be beneficial to the firm of your wife's brother-in-law.

If you have any further questions or wish to discuss the above opinion with me, please contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director
 Miami-Dade Commission on Ethics and Public Trust
 (305) 350-0613

From: LaPradd, Charles (EPS)
Sent: Friday, August 03, 2007 3:06 PM
To: Meyers, Robert (COE)
Subject: conflict of interest question

Mr. Meyers:

Per our phone conversation, I am writing to request a determination of a potential conflict of interest. As part of my function as the County's Agricultural Manager and at the request of the Board of County Commissioners I am undertaking a marketing campaign at Miami International Airport to promote Miami-Dade's agricultural industry. To complete this undertaking it is necessary to acquire the services of an outside marketing firm to produce video and print advertisements. A work order proposals request (WOPR), was issued by the Department of Procurement to the Marketing Services Pool (it is attached). Three (3) firms responded. The respondent's proposals were ranked at a public meeting by staff from the Department of Communications and me. The proposals differed greatly on price. Frankly, all but one of the respondents are outside of my budget allowance. However, the lowest priced respondent was also the lowest ranked respondent. The mid-priced firm was given the highest ranking by the group and we are currently negotiating with that respondent to see if the can lower their price. I do not know if that will happen, which may leave procurement with the option of negotiating with the other respondents.

Here is the issue: the lowest priced and ranked respondent is a firm that is owned and operated by the wife of my wife's brother-in-law's (my wife's sister's husband) business partner (whom I don't know). I did not know this until about 2 1/2 weeks ago (well after the ranking and selection), when my wife's brother-in-law, at a social meeting, mentioned that his partner's wife was just appointed to chair MDX. I new that the lowest ranked firm's owner had also been appointed to MDX as it was mentioned at the ranking meeting by one of the representatives from the

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Communications Department, I asked him if she owned a public relations company and he said yes, it didn't take much to figure out it was the same person. That is when I called your office.

I have no dealings with my wife's brother-in-law's company or his partner. I do own a parcel of property (investment/recreation/agricultural) in Georgia with my wife's brother-in-law and 2 other individuals. Neither of the other 2 individuals have anything to do with my wife's brother-in-law's company. The other two owners' in the Georgia property are my sister's husband (my brother-in-law) and his sister's husband (my brother-in-law's brother-in-law).

I believe that we may eventually end up negotiating with the firm owned by the partner of my wife's brother-in-law based on allowable budget. I need to know if a conflict exists and if I need to remove myself from any negotiations involving that firm and or the WOPR in general.

Thank you for your assistance in this matter.

Charles LaPradd

Charles LaPradd, Agricultural Manager

Office of the County Manager

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