

VIA FACSIMILE (305) 663-9640 AND
REGULAR MAIL

February 25, 2008

Ricardo Herrera
8086 S.W. 173rd Terrace
Palmetto Bay, Fl 33157

RE: INQUIRY 08-26

Dear Mr. Herrera:

I received your request for an advisory opinion and I am rendering this opinion based on the facts in your request. You requested an opinion regarding whether you may become a registered county vendor and contract with Miami-Dade County to provide services.

In your request, you stated that you are the President of Develotec, Inc. Develotec is a civil engineering company that provides a wide range of services including design of water and sewer systems, paving, drainage and planning and contract management. Your spouse, Anely Herrera, is a planner with the Aviation Department and is not an officer of Develotec.

The Conflict of Interest ordinance permits Develotec to contract with Miami-Dade County as long as it does not contract with the Aviation Department. Section 2-11.1 (d) provides that "Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be construed to prevent any employee as defined in subsection (b)(6) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting

for Miami-Dade County as long as 1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract requirements or awarding the contract, and 3) the employee's job responsibilities and job description will not require him or her to be involved in the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County, if the employee works in the county department which will enforce, oversee or administer the subject contract.

Therefore, you may become a registered county vendor and contract with any county department but the Aviation Department.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this staff opinion or want a formal opinion from the Ethics Commission, please call the undersigned at (305) 579-2594.

Sincerely Yours,

ARDYTH WALKER
Staff General Counsel

Walker, Ardyth (COE)

From: Rick Herrera [rick@develotec.net]
Sent: Tuesday, February 19, 2008 3:03 PM
To: Walker, Ardyth (COE)
Cc: rick.herrera@att.blackberry.net
Subject: vendor registration

Ms. Walker; as part of my company's vendor registration in Miami Dade County, it is required that I provide DPM with a "letter" from your Agency.
Develotec, Inc is a civil engineering company and we propose to offer services such as design of water sewer, paving, drainage, highways, planning and contract management, etc.
We understand that we will not do business with the Aviation Department as my wife, Anely Herrera (SS 3390-60-0486), is an Aviation employee.
Your expeditious assistance is respectfully requested. Please let me know if this request format is appropriate or if any other information is required.

Rick Herrera, P.E.
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