

Meyers, Robert (COE)

INQ 08-28

From: Meyers, Robert (COE)
Sent: Tuesday, February 26, 2008 3:33 PM
To: Klaskin Press , Jill (DPM)
Subject: RE: REQUEST FOR ADVISORY OPINION

Jill,

In order for a conflict of interest to be created under the ethics provision entitled "transacting business with the County," the employee's immediate family member must have a controlling financial interest in the company that wishes to contract with the employee's department. In your particular case, your spouse is a sales representative for the company seeking to do business with the County and he does not have a controlling financial interest in the company. Therefore, the ethics code would not bar LikeBack from contracting with the Procurement Management Department or other County departments. Obviously, you must have nothing to do with the award, oversight, regulation, management or enforcement of said contract or purchase orders.

If you have any further questions, feel free to contact me at your convenience.

Thanks,

Robert

From: Klaskin Press , Jill (DPM)
Sent: Tuesday, February 26, 2008 3:08 PM
To: Meyers, Robert (COE)
Subject: RE: REQUEST FOR ADVISORY OPINION

Robert - He is a Sales Rep. for the LifeBack company which is based in Tarpon Springs, Florida. He has no ownership in the company. As you know, the Department of Procurement Management establishes all contracts in excess of the Small Purchase Order values, therefore many departments may issue Small P.O.'s without the need to come to our department. If a large department wishes to establish a contract for the product in excess of the SPO limits, it would indeed need to go through DPM. Thank you again and I look forward to your opinion.
 Jill

From: Meyers, Robert (COE)
Sent: Tue 2/26/2008 2:20 PM
To: Klaskin Press , Jill (DPM)
Subject: RE: REQUEST FOR ADVISORY OPINION

Jill,

Thank you for your request for opinion. I have several questions for you before I can give you an opinion. Is this your husband's company or is he working for the company? If he is an owner, does he have a controlling financial interest in the company (at least 10% ownership)? When you state in your opinion that the goods will be provided to various County departments, which department(s) actually execute the contract? In other words, is Procurement Management a party to the contract?

Once you answer these questions, I will promptly forward you my reply.

Thanks,

Robert

2/26/2008

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

From: Klaskin Press , Jill (DPM)
Sent: Friday, February 22, 2008 3:06 PM
To: Meyers, Robert (COE)
Cc: Singer, Miriam (DPM)
Subject: REQUEST FOR ADVISORY OPINION

Robert,

I write to you today for an advisory opinion as to whether it is a conflict for my husband, Jack Press, to register to do business with and possibly contract with Miami-Dade County to provide goods to various County departments.

He represents LifeBack Enterprises, Inc., a company that has developed an effective low cost solution for preventing, reducing and treating low back pain and injuries, using a lower lumbar orthotic. This is a product that could be used by employees involved in lifting and carrying, or sitting and standing for hours at a time as part of their job duties and might be considered as part of safety equipment or their County issued uniform.

I have been a County employee for 25 years and at this time, in my present capacity working for the Department of Procurement Management, my job responsibilities do not require me to be involved with the awarding of contracts in any way. Further, I do not participate in their enforcement, oversight, amending, extending or their termination. My responsibilities are Special Projects within the department, but outside of the scope of actual procurement of goods and services. If he should be successful in entering into a County contract I do not believe that it would interfere in any way with the full and faithful discharge of my duties to the County.

Please advise if having a member of his immediate family employed by the Department of Procurement Management permits him to conduct business with the County or if it poses a problem based on the County Conflict of Interest and Code of Ethics Ordinance.

I look forward to your response and will act accordingly.

Best regards,
Jill Press

2/26/2008

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