



ING 10-105

June 14, 2010

**ETHICS COMMISSIONERS**

Kerry E. Rosenthal, CHAIRPERSON  
Dawn E. Addy, VICE CHAIRPERSON  
Judge Seymour Gelber

**ROBERT A. MEYERS**  
EXECUTIVE DIRECTOR

**MICHAEL P. MURAWSKI**  
ADVOCATE

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

The Honorable Joe A. Martinez, County Commissioner, District 11  
Board of County Commissioners  
Stephen P. Clark Center  
111 N.W. 1<sup>st</sup> Street, Suite 320  
Miami, FL 33128

Dear Commissioner Martinez:

Approximately ten days ago, I spoke with Gerald Sanchez in the County Attorney's Office and he advised me that you are requesting a written opinion from the Miami-Dade Commission on Ethics concerning the employment of your son with Munilla Construction Management, LLC (MCM), a company which transacts business with Miami-Dade County. As I understand it, the critical facts are your son has been offered a paid position with MCM and the company is currently doing business with Miami-Dade County and will likely seek to do business with Miami-Dade County in the future. Under these facts, you wish to know whether any conflicts of interests exist for you as a County Commissioner.

The two sections of the County's Conflict of Interest and Code of Ethics Ordinance most relevant to the abovementioned facts address voting conflicts and financial interests. In order to have a voting conflict under Section 2-11.1(d) of the ethics code, you must have a special relationship with the party or applicant who appears before the Board of County Commissioner or you must profit from or be enhanced by the actions of the Board of Commissioners in a unique way. You clearly do not have any of the enumerated relationship identified in this code section. The next prong of the voting conflicts section turns on whether you would receive a special benefit if the company employing your son were to transact business with Miami-Dade County directly or indirectly. From what I have been provided, your son's employment and compensation with the company is not contingent upon the awarding of contracts by Miami-Dade County and you do not depend on your son for financial support. Therefore, given your son's position with the company, it does not appear that a conflict of interest is created if you participate in discussions or vote on matters involving MCM.

The other section of the ethics code which I will call your attention to is 2-11.1(n) – a section designed to prohibit County officials and personnel from taking official action when the official or the official's immediate family members have a financial interest in a business likely to be affected by the official's participation or vote. In this particular case, the question is whether your son has a financial interest in MCM. Under the current definition of financial interest, this question is answered in the negative. Thus, no conflict of interest exists for you under this section of the ethics code, either.

Please recognize that our office takes no position on the perception of a conflict of interest or the appearance of a conflict. This opinion focuses on whether specific conduct creates real or actual conflicts of interest. Finally, please realize the opinion is based upon my understanding of the facts. If I have erroneously stated the facts, or if there are additional facts warranting consideration, please forward them to me.

If you wish to discuss this opinion, please contact me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Meyers', with a long horizontal flourish extending to the right.

Robert Meyers, Executive Director  
Miami-Dade Commission on Ethics and Public Trust

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