

Meyers, Robert (COE)

INQ 10-58

From: Meyers, Robert (COE)
Sent: Wednesday, March 17, 2010 2:22 PM
To: Johnson-Wright, Heidi (ADA)
Subject: RE: seeking your input

Heidi:

Thank you for your request for opinion and the clarifying information. As I understand it, your spouse is vying for a contract to provide services to ATS, the company currently providing paratransit services for the County Transit Department. Furthermore, ATS is seeking to extend this contract for another five years. The firm that has retained your spouse as an independent contractor will engage in marketing and outreach services for ATS under the contract extension, in the event ATS selects this firm as its subcontractor. Your e-mail mentions a number of different marketing and outreach activities likely to be commenced by the firm, including the possibility of creating a brochure and demo video. You further state that any marketing and outreach component will probably involve contact with Miami-Dade County, specifically referenced are the Transit Department, the Board of County Commissioners and its committees, the Commission on Disability Issues (CODI) and perhaps your department, the Office of ADA Coordination, where you serve as department director. You indicate that the purpose of contacting your department is to be scheduled on a CODI agenda and to solicit input on how to best serve clients with disabilities. In your initial e-mail, you state that your husband would likely have contact with the aforementioned County actors, but your subsequent e-mail maintains that others will be involved in the marketing effort as well – your husband would be part of a team for the purposes of the marketing and outreach campaign.

I will highlight the most important sections of the county's Conflict of Interest and Code of Ethics Ordinance in my analysis of this matter. One of the provisions restricts immediate family members of department directors from entering into contracts with Miami-Dade County. In this particular case, your husband is not transacting business with the County due the fact that he or any firm in which he holds a controlling financial interest is not the company contracting directly with Miami-Dade County. Therefore, no conflict of interest exists regarding this section of the ethics code.

Another section of the ethics code prevents County employees from participating in decisions or taking action where the employee or the immediate family member has a financial interest. Finally, there is an ethics provision prohibiting employees from using or attempting to use their official position to secure special privileges or benefits for others. I see no reason why your spouse would be precluded from meeting with the Board of County Commissioners and its standing committees or the Transit Department. Without question, it would be improper for your husband to meet with you in your capacity as department director and discuss any matters related to the ATS contract. The more difficult question is whether you could designate other personnel in the department to meet with him and take action if necessary without having to consult with you. I am inclined to find that your husband should have no contact with the Office of ADA Coordination whatsoever. Based on your representations that a marketing and outreach team will be formed, it would be better practice and would avoid all possible appearances of impropriety to have another individual from the team interacting with your department and CODI – considering your department provides administrative support to CODI.

If you have any further questions, please do not hesitate to contact me at your convenience.

Sincerely,

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

From: Johnson-Wright, Heidi (ADA)
Sent: Monday, March 15, 2010 3:29 PM
To: Meyers, Robert (COE)
Subject: FW: seeking your input

3/17/2010

Robert:

I wanted to confirm that you received my email of 3/10/10, below, which responds to two questions that you had. Please let me know. Thanks.

Heidi Johnson-Wright, Director
Office of ADA Coordination
111 NW 1st Street, 12th Floor, Suite 348
Miami, FL 33128
305-375-3566 (voice); 305-375-4805 (TTY); 305-375-5753 (fax)
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From: Johnson-Wright, Heidi (ADA)
Sent: Wednesday, March 10, 2010 4:07 PM
To: Meyers, Robert (COE)
Subject: RE: seeking your input

Robert:

My husband works for a communications/marketing firm that is the entity vying for ATS brochure/outreach work. My husband is working for that firm as an independent contractor, not an employee nor an owner of the firm in any way.

The firm may not even get the job with ATS. If it does, however, he would be part of the team working on marketing and outreach, certainly not the only person and possibly not even the point person. As an independent contractor, virtually everything my husband works on -- in person, in writing, etc. -- will go through the firm's principals.

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From: Meyers, Robert (COE)
Sent: Wednesday, March 10, 2010 1:53 PM
To: Johnson-Wright, Heidi (ADA)
Subject: RE: seeking your input

Heidi:

Thank you for your e-mail and the opportunity to address your questions. I'm a bit confused and I need some clarification. When you state your husband's firm is vying for a contract to provide services to ATS, do you mean his firm or the firm that hired him as an independent contractor? Other than contacting your department to be scheduled on a CODI agenda, what other interaction is your husband likely to have with your staff? You may not be able to answer this question, but will your husband be solely responsible for the marketing and outreach services for ATS or will other consultants/contractors be involved?

Once you provide me with responses to my question, I should be able to issue you a written opinion.

Thanks,

3/17/2010

Robert Meyers

From: Johnson-Wright, Heidi (ADA)
Sent: Wednesday, March 10, 2010 11:33 AM
To: Meyers, Robert (COE)
Cc: Norris, Wendi (GSA)
Subject: seeking your input

Robert:

I am seeking your input on a situation involving my spouse. My husband was recently hired as an independent contractor by a boutique marketing and communications firm. He does not have a controlling interest in the firm. His firm is vying for a contract to provide services to ATS, the company that currently provides paratransit services for the County's Transit Department. ATS is also interested in becoming the successful bidder on a long-term contract with the County to provide paratransit services for another five year period.

If my husband's firm gets the contract with ATS, the firm would be doing marketing and outreach services for ATS. This will possibly include creating a brochure and perhaps a demo video to inform STS riders about the implementation of the Transit Easy Card in paratransit vehicles. The marketing and outreach is likely to require that my husband has contact with the Transit Department, the Board of County Commissioners and its committees, and the Commission on Disability Issues (CODI). It's possible that he would also contact my department at some point to be scheduled on a CODI agenda (my department provides administrative support to CODI) and to solicit input on how to best serve clients with disabilities.

Please advise as to any potential ethics issues that I need to be aware of. Thank you.

Heidi Johnson-Wright, Director
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