



Via First Class Mail
and email at orlandomartinez1@aol.com

ETHICS COMMISSIONERS

January 30, 2013

Dawn Addy, CHAIR
Charlton Copeland, VICE CHAIR
Nelson Bellido
Judge Seymour Gelber
Kerry E. Rosenthal

Orlando Martinez de Castro, Jr., Chief of Police
City of South Miami Police Department
6130 Sunset Dr.
South Miami, FL 33143-5093

JOSEPH CENTORINO
EXECUTIVE DIRECTOR
GENERAL COUNSEL

Re: RQO 12-14

The city's purchasing of police equipment from a company that employs the Police Chief's son. *See* Miami-Dade County Code at Sec. 2-11.1 (d).

MICHAEL P. MURAWSKI
ADVOCATE

MIRIAM S. RAMOS
DEPUTY GENERAL COUNSEL

Dear Chief Martinez de Castro:

IN A PUBLIC MEETING on January 24, 2013, the Miami-Dade Ethics Commission opined that the City of South Miami may continue to purchase police equipment from Lou's Police Distributors, Inc., an entity that currently employs your son, Christopher Martinez de Castro.

The County Code as Sec. 2-11.1 (d) allows a company that employs your son to contract with the Police Department as long as your son does not hold a controlling financial interest of 10% or more in the company.

Although there is no indication of impropriety in the facts you presented, a municipal employee may not use his official position to secure special privileges or exemptions for himself or others.¹ We understand that you do not approve, award or monitor the contract between the City of South Miami and Lou's. Additionally, your son is compensated through commissions on international sales earned through his own efforts and the efforts of others under his supervision. It is anticipated that the award of this contract would have no impact on your son's compensation from Lou's.

AS BACKGROUND you were hired as Chief of Police in the City of South Miami on October 21, 2010. In December of that year, the City of South Miami entered into a contract with Lou's to purchase police equipment at a price not to exceed \$39,114. Two years later, the contract with Lou's was

¹ Miami-Dade County Code at Sec. 2-11.1 (g).

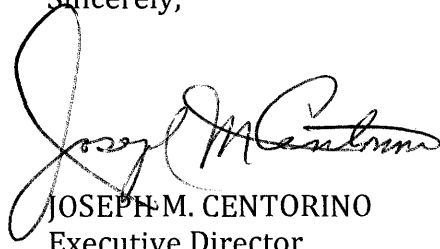
renewed. A month after that, on November 1, 2012, your son, Christopher Martinez de Castro, was hired by Lou's as Vice President of International Sales.

THIS OPINION IS LIMITED to the facts presented and is not binding if additional, relevant information becomes available.² You may also wish to request an ethics opinion from the State of Florida Commission on Ethics to determine if any conflicts exist under state law.

Be further advised that the County Conflict of Interest and Code of Ethics provides a minimum standard of conduct for public employees. It does not directly address "appearance of impropriety" issues that should guide the actions of all public servants, nor does it address the subjective mindset of a public employee who, for reasons outside of the Code, does not feel capable of being fair or objective in a particular matter, due to personal or family considerations. Any public servant under such circumstances must use his or her own judgment in determining the proper course of action when conducting public business.

Please feel free to contact me or Victoria Frigo, Staff Attorney, if we can be of further assistance.

Sincerely,



JOSEPH M. CENTORINO
Executive Director

copy: Simon Steckel, Esq., at sts1law@bellsouth.net

RQO 12-14
Chief Orlando
Martinez de
Castro, Jr.

Jan. 30, 2013
page 2

² For example, this opinion might not apply to a case in which an immediate family member had a *controlling* financial interest in an entity doing business with the City of South Miami. See Miami-Dade County Code at Sec. 2-11.1 (d).