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October 16, 2017

Amanda Sanfilippo
Curator & Artist Manager, MDC Department of Cultural Affairs
111 NW 1st Street, Suite 625
Miami, FL 33128

Re: **RQO 17-05** Transacting Business with the County, Section 2-11.1(c), Miami-Dade County Conflict of Interest and Code of Ethics

Dear Ms. Sanfilippo:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its public meeting on October 12, 2017, and based its opinion on the facts stated in your request and in INQ 17-41.

You requested an opinion regarding whether your domestic partner, Justin Long, may enter into contracts with Miami-Dade County Department of Cultural Affairs (DOCA) which employs you as Curator and Artist Manager.¹

The Miami-Dade Commission on Ethics & Public Trust (COE) opined that Justin Long (Long) is prohibited from transacting business with DOCA, the County department which employs his domestic partner.

Long is a professional visual artist and your domestic partner. You are employed as Curator and Artists Manager for DOCA, which oversees the Art in Public Places and the South Florida Cultural Consortium programs. These programs promote opportunities for artists, such as Long, to transact business with the County by creating artwork for projects aimed at improving public places throughout Miami-Dade County. The selection of the artists is through an open competitive process. If ultimately selected, the recipient artists enter into contracts with the County. These contracts are administered by DOCA. You administer and monitor these programs for DOCA.

¹ Justin Long and Amanda Sanfilippo filed a declaration of domestic partnership with Miami-Dade County and are presently registered as domestic partners under Chapter 11, Miami-Dade County Code.

A County employee or her immediately family member ² is prohibited from entering into a contract or transacting business with the County in which she or her immediate family member has a direct or indirect financial interest. ³ A *limited exclusion* to this prohibition permits a County employee or her immediate family member to transact business with the County as long as the following criteria are met: entering into the contract will not interfere with the full and faithful discharge of the County employee's duties to the County; the County employee will not participate or be involved in the contract award or requirements; and, the County employee's job responsibilities and job description will not require her to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance. Notwithstanding, this *limited exclusion* shall not be construed to permit a County employee to work in the County department that enforces, oversees or administers the contract (emphasis added).

Accordingly, the Ethics Commission found that the Conflict of Interest and Code of Ethics ordinance prohibits Long from contracting or transacting any business with DOCA. You may request a waiver of this prohibition from the Board of County Commissioners (BCC), which may grant a waiver upon an affirmative vote of two-thirds of the entire BCC, if it finds, after a public hearing, that the proposed transaction(s) will be in the best interest of the County.⁴

This opinion construes the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance only and is not applicable to any conflict under state law.

If you have any questions regarding this opinion, please contact the undersigned or Staff Attorney Martha D. Perez at (305) 579-2594.

Sincerely Yours,



JOSEPH M. CENTORINO
Executive Director and General Counsel

Cc: Justin Long

² Pursuant to §2-11.1(b)(9) of the County Ethics Code, a domestic partner is an immediate family member, subject to the jurisdiction of the County Ethics Code as it applies to immediate family members transacting business with the County. See §2-11.1(c)(1)

³ Section 2-11.1(c), County Ethics Code

⁴ Section 2-11.1(c)(4), County Ethics Code