

Meyers, Robert (COE)

INQ 05-14

From: Meyers, Robert (COE)
Sent: Tuesday, January 25, 2005 9:05 AM
To: Arias, Ruben (DIST7)
Subject: RE: advisory opinion

Mr. Arias,

Thank you for your e-mail and I apologize for taking so long to respond. As I understand it, you are an aide to County Commissioner Gimenez and your spouse is a principal in a company currently doing business with County. You state that you have no controlling financial interest in the company.

The County Conflict of Interest and Code of Ethics Ordinance bars County employees and their immediate family members from transacting business with the County when the employee has participated in determining the subject contract requirements or awarding the contract and the employee is prohibited from enforcing, overseeing or administering the contract. For purposes of this opinion, I conclude that you are defined by the ordinance as an employee, as opposed to department personnel, which enables your spouse's firm to continue to do business with the County provided you adhere to the abovementioned limitations.

Therefore, I would respond to your questions as follows: 1) Regarding existing contracts, they can be executed, but you cannot be involved in the oversight, enforcement or administration of these contracts; 2) Regarding prospective contracts, as long as you do not play a role in the contract review, award or administration of the contract and you do not make recommendations to others who have the authority to affect the award, terms or conditions of the contract, its administration or enforcement, then your spouse firm's will be permitted to enter into future contracts with Miami-Dade County; 3) Prior to a bid submittal by your spouse's firm, you must seek an opinion from the Ethics Commission and 4) The Conflict of Interest Ordinance does not require that Commissioner Gimenez has to recuse himself on matters relating to your spouse's contract.

If you wish to discuss my response in greater detail, please contact me at your convenience.

Sincerely,

Robert Meyers

-----Original Message-----

From: Arias, Ruben (DIST7)
Sent: Tuesday, January 18, 2005 11:38 AM
To: Meyers, Robert (COE)
Subject: advisory opinion

As per our conversation I am enclosing the same questions I posed to Gerald Sanchez:

My wife is a principal in a company that is a vendor for Miami-Dade County. This company has active contracts with the county. I am not a shareholder or an active participant in that entity.
Can the Commissioner's office do business with this company?
Does the Commissioner have to recuse himself on matters that come before the Commission/Committee involving this company?
Can the company pursue other bids or must it stop doing business with the county?

As to the information you provided telephonically, I will convey to my wife the following:

Existing contracts are O.k.
Her company will not be barred from conducting future business as long as I play no role in the oversight or enforcement of any contract.

Before the awarding of a contract I will request an opinion from the Ethics Board.

No contracts have ever come before the Board, if they do I will notify the Ethics Board and the Commissioner.

Thanks for all the information provided.