



ETHICS COMMISSIONERS

Kerry E. Rosenthal, CHAIRPERSON
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ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

September 7, 2005

Carlos M. Vasquez
8999 N.W. 18th Terrace
Miami, FL 33172

RE: INQUIRY 05-147 (Amended)

Dear Captain Vasquez:

I received your request for an advisory opinion and I am rendering my opinion based on the facts stated in your letter. The Ethics Commission has not considered this matter.

You requested an opinion regarding your ability to contract with Miami-Dade County.

In your letter, you advised me that you are a Captain in the Intergovernmental Bureau of the Miami-Dade Police Department. You are also the principal owner of CNC Management Group. CNC Management Group is a landscaping/tree removal company.

CNC Management Group may contract with any county department or agency except for the Miami-Dade Police Department. Section 2-11.1 (c) provides that " (n)otwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be construed to prevent any employee...from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade

County as long as 1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract awards or awarding the contract , and 3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance. A controlling financial interest is defined as ten percent or more.

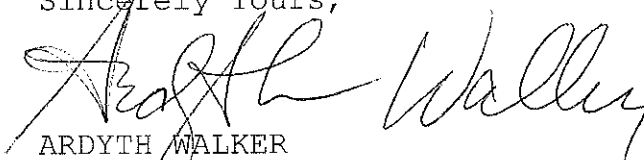
Section 2-11.1(c) further states that "(h)owever, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County if the employee works in the County department which will enforce, oversee or administer the subject contract. An immediate family member is defined as spouse, parents and children.

Therefore, CNC Management Group is permitted to contract with any county department except the Miami-Dade Police Department.

This opinion construes the Miami-Dade 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 call the undersigned at (305) 350-0616.

Sincerely Yours,


ARDYTH WALKER
Staff General Counsel

MIAMI-DADE COUNTY COMMISSION ON ETHICS AND
PUBLIC TRUST

FACSIMILE TRANSMITTAL SHEET

TO:
Captain Carlos Vasquez

FROM:
Ardyth Walker

COMPANY:
CNC Management Group

DATE:
9/7/2005

FAX NUMBER:
(305) 468-2578

TOTAL NO. OF PAGES INCLUDING COVER:
3

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

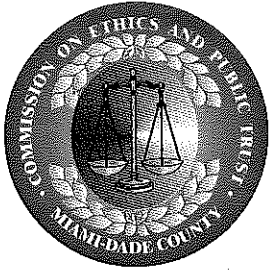
RE:

YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please call me at (305) 350-0616 or e-mail me at awalker@miamidade.gov if you have any questions.



ETHICS COMMISSIONERS

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County as long as 1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract awards or awarding the contract , and 3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forebearance. A controlling financial interest is defined as ten percent or more.

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Sincerely Yours,



ARDYTH WALKER
Staff General Counsel

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please call me at (305) 350-0616 or e-mail me at awalker@miarnidade.gov if you have any questions

19 West Flagler, Suite 207, Miami, FL 33130 (305) 350-0616-Phone (305) 579-1093-Fax

DATE, TIME	09/06 15:13
FAX NO./NAME	3054682578
DURATION	00:00:52
PAGE(S)	03
RESULT	OK
MODE	STANDARD
	ECM

TIME : 09/06/2005 15:14
 NAME : COMMISSION ON ETHIC
 FAX : 3055750273
 TEL : 3055732594
 SER.# : BR0020157947

TRANSMISSION VERIFICATION REPORT

Frigo, Victoria (COE)

RQO 05 96

From: Frigo, Victoria (COE)
Sent: Thursday, September 01, 2005 9:01 AM
To: Walker, Ardyth (COE)
Cc: Crenshaw III, Harrison (MDPD)
Subject: RQO re: Carlos Vazquez, Captain, Miami-Dade Co. Police Dept.

Ardyth,
Officer Crenshaw has written on behalf of his Captain, Carlos Vazquez, requesting an opinion on a county matter. His letter was inadvertently directed to my attention. I advised Officer Crenshaw this morning that you handle county opinions and that I would redirect his request to you.

Officer Crenshaw' contact information is as follows: Office (305) 477-1616 and Cell (786) 229-1516.

Thanks,

Victoria Frigo
Staff Attorney
Miami-Dade County Commission on Ethics
Direct Number: (305) 350-0601
Main Number: (305) 579-2594, ext. 101
frigov@miamidade.gov

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

9/1/2005

From the desk of



ARDYTH WALKER

STAFF GENERAL COUNSEL

MIAMI-DADE COUNTY COMMISSION
ON ETHICS & PUBLIC TRUST

9/7/05

Rachelle,

*Please close the RQO
file and open as an
inquiry*

CLOSE

RQO 05-96

OPEN AS

INQ 05-147

Thanks,

Ardyth

Carlos M. Vazquez,
8899 Northwest 18th terrace,
Miami, Florida 33172
(305) 477-1616

~~05-05-96~~

INA 05-147

August 30, 2005

Victoria Frigo, Attorney
Commission on Ethics
19 West Flagler St.,
suite 209
Miami, Florida 33130

Dear Mrs. Victoria Frigo,

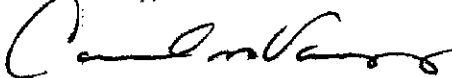
I am Captain Carlos M. Vazquez of the Miami-Dade Police Department. I have been employed by Miami-Dade County since December 16, 1986. I am currently assigned to the Intergovernmental Bureau of the Police Department. I supervise a staff of police officers and investigators whose duties range from environmental enforcement to the diversion of pharmaceuticals and underwater recovery.

The purpose of this letter is to request a waiver from the Commission on Ethics which will allow me to become a vendor for Miami-Dade County. I am the principal owner of a landscaping/tree removal company called CNC Management Group, Inc... I have been in business since January 3, 2005 and have obtained all necessary licenses from the Department of Solid Waste Management as well as the required Miami-Dade County Occupational license (license #570041-5). I have attached for your review, a copy of my approved Outside Employment Request along with my Source of Income Statement. This waiver, if granted, will allow my business to become more competitive with other companies in the same field.

A fax response is requested in addition to a mailed original reply. Please fax to (305) 468-2578. Mail to 8899 Northwest 18th terrace, Miami, Florida 33172.

Thank you for your attention to this matter.

Sincerely,



Carlos M. Vazquez

MIAMI-DADE POLICE DEPARTMENT
OUTSIDE EMPLOYMENT REQUEST

MIAMI-DADE

Employee's Name (First/M.I./Last) Carlos M. Vazquez	Social Security Number 065-54-5769	Date 1-21-2005
Classification/Title Police Captain	Employee Status (Perm/Prob) Permanent	Date Hired by Miami-Dade County 12-16-1986
Division Centralized Services	District/Bureau Intergovernmental Bureau	Section Unit
Effective Date A.S.A.P.		

Employer Name: CNC Management Group Inc.

Address: 13525 SW 288 Street Telephone Number: (786) 624-1414

Employer's Principal Business: 13525 SW 288 Street

Employer's Clientele: (Wholesale/Retail/Builders/Merchants/Other) Commercial Properties

Position/Title Held: President

Hours Worked Weekly 20 from 5:30 pm a.m./p.m. to 9:00 pm a.m./p.m.

Circle Work Days: S (M) (T) (W) (TH) (F) S Or Irregular Days: _____

Anticipated Length of Employment: 15 years

Has approval for this off-duty employment activity been previously granted? No XX Yes _____
 If yes, reason for resubmission of request: _____

Assignment Change N/A Schedule change N/A
 Annually for news media activities N/A Other* N/A

Does employment require issuance of a license? No XX Yes* _____

Is business conducted with Miami-Dade County or any County-owned or controlled property?

No XX Yes* _____

Is employer a Miami-Dade County employee? No XX Yes* _____

Can any aspect of employment be considered a questionable nature such as placement in compromising situations, inappropriate use of police powers, or have the potential to bring discredit upon the employee or Department; e.g., sale or handling of questionable video, film, or printed materials; alcoholic beverages; or firearms?

No XX Yes* _____

Is employment or will payment for services rendered be a result of or connected with any way with security, investigative, collection or repossession business activity? No XX Yes* _____

If employment involves news media activities, has required review and coordination been effected with the commander of the Media Relations Bureau? No XX Yes* _____

*Requires additional explanation on reverse side.

Request approval to perform outside employment during off-duty hours. The work will not exceed 20 hours per payroll week. Outside employment does not adversely affect my job performance, does not represent a conflict of interest/ethics with Miami-Dade County, and is not contrary, detrimental, or adverse to the interest of Miami-Dade County or the Miami-Dade Police Department. I understand that I am subject to recall to duty at any time, that approval is only for the employment listed, and that continued approval is not assured. No County equipment, material, instruments, or facilities will be used and no part of such employment will be conducted on County time.

I certify that the data provided is correct and that I have read and understand the conditions specified in applicable departmental directives concerning off-duty employment, and I agree to abide by the contents thereof, including specifically any terms and conditions of such employment. I understand that failure to comply with the stipulations indicated will be cause for revocations of approval and could result in possible disciplinary action. I also understand and agree that approval or denial is entirely at the discretion of the approving authority.

A detailed description of duties and responsibilities is provided and explained below.

[Handwritten Signature]

(Signature)

2989
(I.D. No.)

Detailed Description of Duties (Explain fully and continue on separate sheet if necessary)

CNC Management Group Inc., is a company dedicated to providing high quality lawn and landscaping services within the Tri-County area.

ROUTE THROUGH CHAIN-OF-COMMAND, FOLLOWING REVIEW BY LEGAL BUREAU

APPROVED	DATE	DISAPPROVED
<i>[Signature]</i> Division Chief	2/2/05	Division Chief
<i>[Signature]</i> Assistant Director	2/2/05	Assistant Director
<i>[Signature]</i> Director	2/3/05	Director

*Copy to Professional Compliance Bureau
Reviewed By: Legal Bureau *[Signature]*



SOURCE OF INCOME STATEMENT

Please Print or Type First Name Middle Name/Initial Last Name

Name: Carlos M. Vazquez

Mailing Address: 8899-A NW 18 Terrace

City/State/Zip: Miami, Florida 33172

Disclosure For Tax Year Ending: _____

Social Security Number: 065-54-5769

Filing as a: County Employee: Municipal Employee of: _____

Position held or sought: Police Captain

Board where serving: _____ Term of Employment Began on: _____

Department where employed: Miami-Dade Police Department

Work Address: Same as above

If your home address is exempt from public records pursuant to Florida Statutes § 119.07 please check here (read instructions): Work Telephone: 305-471-3230

Home Address: _____

Street Address

City State Zip Code

Please list below in descending order with the largest source first, the name, address and principal business activity of every source of your income including public salary you received or any person received for your benefit or use during the disclosure period. The income of your spouse or any business partner need not be disclosed. If continued on a separate sheet, check here:

Name of Source of Income	Address	Description of the Principal Business Activity
CNC Management Group Inc.	Exempt	Lawn Maintenance

I hereby swear (or affirm) that the aforesaid information is a true and correct statement.

Carlos M. Vazquez
Signature of person disclosing

6/17/05
Date signed

MIAMI-DADE COUNTY COMMISSION ON ETHICS AND
PUBLIC TRUST

FACSIMILE TRANSMITTAL SHEET

TO: Andrew Burgess	FROM: Ardyth Walker
COMPANY: Parks and Recreation	DATE: 7/14/2005
FAX NUMBER: (305) 755-7940	TOTAL NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: INQUIRY 05-105	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

PLEASE CALL ME AT 350-0616 OR EMAIL ME AT AWALKER@MIAMIDADE.GOV IF YOU
HAVE ANY QUESTIONS. THANKS.