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**Miami-Dade County  
Commission on  
Ethics and Public  
Trust**

# Fax

To: Jose Villalobos From: Christina P.  
Fax: 860-0555 Pages: 3, including cover  
Phone: Date: 7/17/02  
Re: Inquiry - Bonich CC:

Urgent  For Review  Please Comment  Please Reply  Please Recycle

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July 16, 2002

**ETHICS COMMISSIONERS**

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**Robert H. Newman, Vice Chairman**  
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**ROBERT A. MEYERS**  
EXECUTIVE DIRECTOR

**MICHAEL P. MURAWSKI**  
ADVOCATE

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

Dear Mr. Bonich:

You requested an opinion regarding any ethical violations pertaining to your ability to present a bid package to design bus shelters in the Village of Key Biscayne.

In your letter you advised the Ethics Commission that you are an architect and that your wife is a permit clerk in the Village of Key Biscayne. Recently, the city's Department of Building, Zoning & Planning issued an Advertisement for Bids for bus shelters and other future jobs. Due to your wife's employment within the Department of Building, Zoning & Planning you were informed by the Department Director that you would be prohibited from responding to the above-mentioned advertisement.

According to Section 2-11.1 (c), *Prohibition on transacting business within the County*, of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, which is applicable to the cities, you would be prohibited from entering into a contract with the Department of Building, Zoning & Planning.

Section 2-11.1 (c) does not prevent any employee as defined in subsection (b)(6) or his or her immediate family as defined in subsection (b)(9) from entering into any contract in which the employee or any member of his or her immediate family has a controlling financial interest [which is defined as 10% or more of the outstanding capital stock in a corporation or interest in a business entity] with Miami-Dade County or any person or agency acting for Miami-Dade County, as long as the contract would not interfere with the employee's duties, the employee did not participate or determine the contract

requirements and the employee's job responsibilities and job description will not require him or her to be involved in the contract in any way.

However, as stated further in the section, the employee or his or her immediate family may not enter into a contract if the employee works in the county department which will enforce, oversee or administer the subject contract.

Also be advised that this is an informal opinion issued by the Ethics Commission's legal staff and reviewed by its Executive Director; it is based solely on the facts as stated in your letter.

Should you have any additional questions regarding this matter, please do not hesitate to contact me at (305) 350-0615.

Sincerely,



Christina Prkic  
Staff Attorney

INQ 02-30

**The Villalobos Law Firm**

2350 CORAL WAY, SUITE 202  
MIAMI, FLORIDA 33145  
TEL. (305) 860-1333  
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JOSE A. VILLALOBOS  
J. ALEX VILLALOBOS



The scales of justice

**FACSIMILE COVER SHEET**

**To:** Christina Prkie - Ethics Commission  
**Fax#:** 305-579-2656  
**Date:** July 9<sup>th</sup>, 2002  
**From:** Jose A. Villalobos **Pages:** 3, including cover sheet.  
**Subject:** Ethics Opinion/ Conflict of Interest  
Sergio Bonich, Architect

**COMMENTS:**

Enclosed please find copy of letter dated same as well as letter from Sergio Bonich requesting an ethics opinion on the above-captioned matter.

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**MAIN NUMBER: (305) 860-1333**

THE PERSON SENDING THIS FACSIMILE IS: Maria  
HARD COPY TO FOLLOW BY U.S. MAIL: No

# The Villalobos Law Firm

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JOSE A. VILLALOBOS  
J. ALEX VILLALOBOS

TEL: (305) 860-1223  
FAX: (305) 860-0555

July 9, 2002

*Via facsimile (305) 579-2656*

Christina Prkic  
Miami-Dade County  
Ethics Commission  
19 West Flagler Street  
Suite 220  
Miami, Florida 33130

**RE: Ethics Opinion/Conflict of Interest**

Dear Ms. Prkic:

Enclosed please find copy of letter from Sergio Bonich, architect, regarding an ethics opinion, which letter is self-explanatory.

I would appreciate it if you forward to me your response to same.

Your kind and courteous attention to this matter is greatly appreciated.

Sincerely,

  
Jose A. Villalobos

JAV/mg

Enclosure

July 9, 2002

*Via facsimile (305) 579-2656*

Christina Prkic  
Miami-Dade County  
Ethics Commission  
19 West Flagler Street  
Suite 220  
Miami, Florida 33130

**RE: Ethics Opinion/Conflict of Interest**

Dear Ms. Prkic:

I am a practicing architect by profession and have been practicing this same profession for the past twenty-five years. As such, I work in all municipalities in Miami-Dade County.

My Wife is employed by the Village of Key Biscayne as one of several permit clerks. There was an Advertisement for Bids issued by the Village of Key Biscayne for bus shelters and future jobs in and about the Village of Key Biscayne. I was advised by the Director of Planning and Zoning of the Village of Key Biscayne that I could not present a bid package because my Wife worked within the Village and same would constitute a conflict of interest.

My wife's job description does not include any decision making powers or authority other than the clerical issuance of permits for said jobs.

I feel that this is an infringement of my rights and would like your opinion as to whether or not there are any ethical violations or conflicts of interest in this case.

Your prompt attention to this matter is greatly appreciated.

Sincerely,



Sergio Bonich

SB/mg