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STAFF GENERAL COUNSEL

February 28, 2003

Carlos Perez  
Perez-Abreu, Guierreberere and Suiero, L.L.C.  
220 Miracle Mile  
Suite 203  
Coral Gables, FL 33134

**RE: REQUEST FOR ADVISORY OPINION 03-14**

Dear Mr. Perez:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on February 28, 2003 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your firm's ability to contract with the county to provide accounting services.

In your request, you advised the Commission that you control 33 1/3% of Perez-Abreu, Aguerreberere, Sueiro, L.L.C. and 25% of Genesis Systems Consulting, Inc. Your mother, Ela Perez-Abreu, is a receptionist in the Board of County Commissioner's offices. Your companies are minority-certified vendors and you would like to contract with Miami-Dade County.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits your companies to contract with county departments. Section 2-11.1 (c) permits immediate family members from non-supervisory

departments to contract with the county to provide services. Section 2-11.1(c) provides that "Notwithstanding 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." Since your mother's job duties will not require her to be involved in any aspect of contract award or administration, your companies may contract with the county to provide services.

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. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,



ROBERT MEYERS  
Executive Director