

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, April 04, 2018 11:46 AM
To: Sanchez, Rodzandra (COE)
Subject: Daniel Solares, Maint. Tech., PROS, CSBE recertification and Limitations on Doing Business with the County, 2-11.1(c)(d), INQ 18- 77
Attachments: INQ 18-77 Solares.pdf; Solares applic..pdf

INQ 18-77 Solares

From: Perez, Martha D. (COE)
Sent: Wednesday, April 04, 2018 9:00 AM
To: solaresconstruction@gmail.com
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Daniel Solares, Maint. Tech., PROS, CSBE recertification and Limitations on Doing Business with the County, 2-11.1(c)(d), INQ 18- 77

Dear Mr. Solares,

Attached is a Limitations on Doing Business with the County ethics opinion letter which also addresses CSBE (re)certification. Please note that it indicates that SOLARES CONSTRUCTION, INC., may apply for Community Small Business Enterprise (CSBE) re-certification and enter into contracts with Miami-Dade County but not with the Miami-Dade County Parks, Recreation and Open Spaces Department (PROS).

You may print this letter and submit to the Internal Services Department Small Business Development and Procurement Divisions. I will send you the original letter via regular mail. Please contact me should you have any other questions.

Sincerely,

Martha D. Perez
Staff Attorney
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
19 West Flagler St. Suite 820
Miami, FL 33130
(305)350-0656
PEREZMD@miamidade.gov

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From: Ethics (COE)
Sent: Monday, April 02, 2018 10:05 AM
To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: FW: I need a legal opinion for Csbe recertification

Please handle.

From: daniel solares [<mailto:solaresconstruction@gmail.com>]

Sent: Sunday, April 01, 2018 8:51 PM

To: Ethics (COE) <ethics@miamidade.gov>

Subject: I need a legal opinion for Csbe recertification

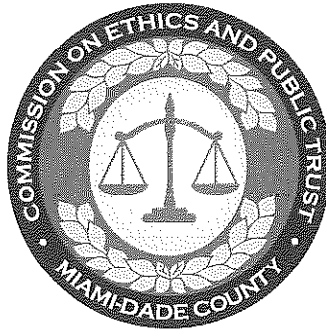
This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected emails. Please click here if this is a suspicious message reportspam@miamidade.gov **Enterprise Security Office**

Hello I am currently employed by Miami Dade Parks and Rec. as a maintenance Tech. I am in the process of renewing my companies CSBE certification and I need to submit a **Miami-Dade County employee Ethic Commission legal opinion** with my application. I am aware of the Ethics rules and regulations and that I cannot be a part of any Bid with Parks and Rec or any Bid where any ethics violations may be in effect. Is there any further information you need of me to get this legal form? My company is Solares Construction Inc, I am the president and I have not been a part of any bids since starting work with Dade County in 2014 but I would like to keep my company and CSBE status active incase any future opportunities come our way as long as we do not cross the ethics boundaries set forth by Miami Dade County.

Best Regards
Daniel Solares
305 218 2810

COMMISSIONERS

H. Jeffrey Cutler, Esq., CHAIRMAN
Nelson Bellido, Esq., VICE CHAIR
Dr. Judith Bernier
Judge Lawrence Schwartz
Carol Zeiner



EXECUTIVE STAFF

Joseph M. Centorino
EXECUTIVE DIRECTOR
GENERAL COUNSEL
Michael P. Murawski
ADVOCATE

Via First Class Mail
and email

April 3, 2018

Daniel Solares
3420 SW 128th Avenue
Miami, FL 33175

*Please submit this letter to ISD
Small Business Development
and Procurement Divisions.
The Ethics Commission does
not submit this letter on your
behalf.*

Re: INQ 18-77, Community Small Business Enterprise (CSBE) (re)certification and Limitations on doing business with the County

Dear Mr. Solares:

The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance permits you to seek re-certification with the County's Community Small Business Enterprise (CSBE) for SOLARES CONSTRUCTION, INC., and apply for contracts with Miami-Dade County but not with the Miami-Dade Parks, Recreation and Open Spaces Department (PROS).¹

This opinion is based on the following facts and legal analysis:

On April 2, 2018, as a County employee and for-profit business owner applicant, you asked for a legal opinion from the Ethics Commission concerning your CSBE (re)certification application in order to transact business with the County through your privately-owned company, SOLARES CONSTRUCTION, INC. See Section III-K, SBE Application. You are employed as a Maintenance Technician at PROS.

OUTSIDE EMPLOYMENT

Work conducted for your privately -owned company constitutes outside employment. The Ethics Code prohibits County employees from engaging in conflicting outside employment. You will be required to obtain permission to engage in outside employment annually from your

¹ It is recommended that all CSBE applicants register as vendors with Miami-Dade County Procurement Division. See Instructions, Small Business Enterprise Application.

supervisor and file related financial disclosure forms every year. Conflicting employment is sometimes created when a County employee comes in contact with the same or similar people or entities in both his outside employment and in his County job or when he uses the same or similar resources in his outside employment as he uses in his County work. *See* the County Code at Sections 2-11.1 (g) and (j).

Please note that this letter does not grant you permission to engage in outside employment. You must obtain permission to engage in outside employment annually from your supervisor and file related financial disclosure forms every year.

CONTRACTING WITH THE COUNTY

Once you have been granted permission to engage in outside employment, you may enter into a County contract through your privately owned company, SOLARES CONSTRUCTION, INC., as long as the contract does not interfere with the full and faithful discharge of your duties to the County. *See* the County Ethics Code at Sections 2-11.1 (c)(2) and (d).

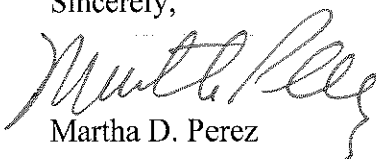
This includes the condition that you may not participate in determining the contract requirements or in awarding the contract. Additionally, none of your job responsibilities and job descriptions may require you to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. Finally, you may **not** work in any County department that would enforce, oversee or administer this contract. Consequently, SOLARES CONSTRUCTION, INC., may not enter into contracts with PROS.

LOBBYING

Additionally, you may not lobby the County. In this case, you may not contact anyone within the County in an attempt to influence a decision about the CSBE (re)certification or any future County contracts you are seeking. *See* the County Ethics Code at Section 2-11.1 (m)(1).

This opinion construes the Miami-Dade County Ethics Code as it applies to County employee-vendors at Sections 2-11.1 (c)(1) and (m)(1) only. It is not applicable to any conflicts under other sections of the County Code or to issues related to state or federal laws. If any of the facts you have presented change or if you have further questions, please feel free to contact me at 305 350-0656.

Sincerely,



Martha D. Perez
Staff Attorney

County Employees Wishing to Register as County Vendors

Please submit the following information by mail, fax, **or** email to—

Gilma Diaz-Greco, Staff Attorney
The Commission on Ethics & Public Trust
19 West Flagler St., Suite 820
Miami, FL 33130

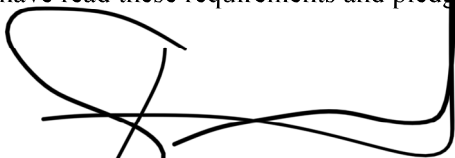
Phone: (305) 350-0638
Fax: (305) 579-0273
Email: gdiazgr@miamidade.gov

Employee's Name	Daniel Solares
Employee's Dept.	Parks and Rec Maintenance
Employee's Title	Maintenance Technician
Business Name	solares Construction Inc
Type of Business	General Contractor
Employee's Mailing Address	3420 SW 128 Ave Miami Fl 33175
Employee's Daytime Phone	305-218-2810
Employee's Preferred Email	Solaresconstruction@gmail.com
Immediate Family Members	None <i>(Please list the names, titles, and departments of any immediate family members currently employed by Miami-Dade Co.)</i>

The Miami-Dade County Conflict of Interest & Code of Ethics at § 2-11.1 (c)(2) allows County employees to contract with the County in certain circumstances and if the following criteria are met. Please confirm that you will meet all of these criteria:

1. Entering into a contract with the County will not interfere with the full and faithful discharge of my duties to the County.
2. I will not participate in determining the contract requirements.
3. I will not participate in awarding the contract.
4. My job responsibilities and job description will not require me to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination, or forbearance.
5. I will not be working in the County department that enforces, oversees, or administers the contract.

I have read these requirements and pledge to abide by them.



4/3/2018

Signature

Date

Your ethics opinion will be sent to you by first class mail and email, unless you request another type of delivery.

COE 1/7/2013