



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Henry R. Dube, Member, Jerusalem Group Multi Services LLC, and Board Member, Miami-Dade Millennial Task Force

**FROM:** Gilma Diaz-Greco, Staff Attorney  
Commission on Ethics

**SUBJECT:** INQ 19-125, Miami-Dade Code of Ethics Sections 2-11.1(c),(g), (m), and (n)

**DATE:** 12-4-19

**CC:** All COE Legal Staff

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Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding County Board Members as County vendors.

Facts:

You are an equity owner (more than 10%) of Jerusalem Group Multi Services LLC. (“Jerusalem”), which provides a variety of services such as notary public services, money transfer services, and Florida lotto tickets. It is also one of many vendors that contract with the County to sell Easy Cards which are transit passes used to pay for bus and other transit fares for Miami-Dade’s Transit System.

You also serve as a Board Member of the Miami-Dade County Millennial Task Force (“MDMTF”). The MDMTF is an advisory board charged with assessing and reporting on, among other things, issues millennials face within the County, such as housing, career, and transportation which contribute to millennials moving to other regions as well as recommending strategies to retain them in the County. Miami-Dade Code §2-385.

MDMTF does not have the power or authority to commit the County or any of its agencies or instrumentalities to any policies, incur any financial obligations, or create any liability. Therefore, it does not oversee or administer Easy Pass cards nor any of Miami-Dade Transit’s contracts or operations. Miami-Dade County Code § 2-389.

Issue:

Whether the County Ethics Code would prevent your privately-owned company, Jerusalem, from contracting with Miami-Dade County.

Discussion and Opinion

Your inquiry involves several sections of the County Ethics Code which are analyzed below:

A. County Board Member Contracting with the County

Section 2-11.1(c)(3) of the County Ethics Code generally permits County Board members to transact business with the County either individually or through the board member's firm. However, pursuant to this section, County board members are prohibited from contracting with any County agency or department subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the board of which the person is a member

In this instance, the board on which you serve, the MDMTF, is not involved in any way in the administration, selection or oversight of the Easy Pass cards nor any of Miami Dade Transit's contracts or operations. Consequently, Jerusalem may contract with the County as long as MDMTF is not involved in any way in processing, administering, or making recommendations about Easy Cards. If anytime in the future an issue regarding Easy passes were to be considered by the MDTF, you should contact the County Ethics Commission in order to determine if a prohibited voting conflict would exist.

B. Appearances before the MDMTF Board

Furthermore, Section 2-11.1(m)(2) of the County Ethics Code provides that County Advisory Board Members are prohibited from appearing before the County board on which the board members serves, either directly or through an associate, and make a presentation on behalf of a third party with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third party. This means that neither you nor any associate of yours may appear before the MDMTF regarding any matter affecting Jerusalem.

C. Actions Prohibited where Financial Interests Involved and Exploitation of Official Position

Finally, the County Ethics Code prohibits a County board member from exploitation of their official position and from participating in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest. This means that you may not contact anyone within the County (or anyone working on behalf of the County) in an

attempt to influence his/her decision about your contract with the County; and you may not use your County position to secure **special privileges or exemptions** with respect to the County contract to which you are applying. *See* County Ethics Code §§2-11.1(g) and (n).

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

***Please submit this opinion to the Miami-Dade County Procurement Department. The Ethics Commission does not submit this memorandum on your behalf.***

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.