

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, March 26, 2019 12:09 PM
To: 'villagehrdw@aol.com'
Cc: Arrojo, Jose (COE); Murawski, Michael P. (COE); Perez, Martha D. (COE); Turay, Radia (COE); Garcia, Richard (Aviation); Sanchez, Rodzandra (COE); Anderson, Machell (COE)
Subject: INQ 19-34, Steven Oltman, President, Village Hardware, Inc. (Limitations on Contracting with the County)
Attachments: INQ 19-34 Oltman.pdf; Oltman Application.pdf; Village Hardware, Inc. Sunbiz.pdf

Dear Mr. Oltman:

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding limitations on relatives of County employees contracting with the County. Attached is INQ 19-34 addressing your question. Please do not hesitate to contact us if you have any questions or if we may be of further assistance.

Cordially,

Gilma (Mimi) Diaz-Greco
Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
gdiazgr@miamidade.gov
www.facebook.com/MiamiDadeEthics

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MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

19 West Flagler Street, Suite 820 · Miami, Florida 33130

Phone: (305) 579-2594 · Facsimile: (305) 579-0273

Website: ethics.miamidade.gov

MEMORANDUM

TO: Steven Oltman, President, Village Hardware, Inc.

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

SUBJECT: INQ 19-34

DATE: 3-26-19

CC: All COE Legal Staff, Richard Garcia, Section Chief, Miami-Dade Aviation
Department Signage Design Division

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding relatives of Miami-Dade County employees applying to become County vendors.

Facts:

You advise that while you are not a County employee, your spouse, Richard Garcia is a County employee working at the Miami-Dade Aviation Department (“MDAD”) as a Section Chief in the department’s Signage Design division. You would like to contract with the County through your privately-owned business, Village Hardware, Inc. (“Village Hardware”), a home improvement and hardware company. Village Hardware is seeking to contract with Miami-Dade County.

Issue:

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”) would prevent your privately-owned company, Village Hardware from contracting with the County.

Discussion and Opinion

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

A. Contracting with the County

The County Ethics Code at Sections 2-11.1 (c)(2) and (d) allow you to enter into a contract, individually or through a firm, with Miami-Dade County, as long as the contract does not interfere with the full and faithful discharge of your spouse's duties to the County.

This means that Richard Garcia shall not participate in determining the contract requirements or in awarding the contract. Additionally, none of Mr. Garcia's responsibilities and job descriptions shall require him to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. In your case, this means that Village Hardware, shall not enter into contracts with MDAD. *See* County Ethics Code §§ 2-11.1 (c) and (n).

B. Lobbying

Furthermore, your spouse may not lobby the County on behalf of Village Hardware. This means that your spouse may not contact anyone within the County in an attempt to influence a decision about any contract Village Hardware is seeking. *See* the County Ethics Code § 2-11.1 (m)(1).

C. Exploitation of Official Position

Finally, the County Ethics Code prohibits County employees from exploitation of their official position. In this instance, it means that your spouse may not use his County position to secure **special privileges or exemptions** with respect to any County contract to which Village Hardware is applying. *See* County Ethics Code § 2-11.1(g).

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 memorandum to the Procurement Department. The Ethics Commission does not submit it 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.



RELATIVES OF COUNTY EMPLOYEES WISHING to REGISTER as COUNTY VENDORS

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

The Commission on Ethics & Public Trust
19 West Flagler St., Suite 820
Miami, FL 33130

Phone: (305) 579-2594
Fax: (305) 579-0273
Email: ethics@miamidade.gov

YOUR Name Steven Outman

Name of your business Village Hardware Inc.

Type of Business Retail Hardware Store.

Your Mailing Address 3966 Curtiss Pkwy, Miami Springs, FL 33140

Your Daytime Phone 305-871-6268 office / 305-588-3729 cell

Your Email villagehrdw@aol.com

Name of County employee related to you Richard Garcia

Type of relationship-spouse? Child? Parent? Other? Spouse

County employee's department, if known Aviation Dept.

County employee's title, if known Section Chief

Please list the **names, titles and departments** of any other immediate family members currently employed by Miami-Dade County _____

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

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

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

[Signature]
Signature

3/19/2019
Date



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Florida Profit Corporation
VILLAGE HARDWARE, INC.

Filing Information

Document Number 504367
FEI/EIN Number 59-1678618
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State FL
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Principal Address

3966 CURTIS PARKWAY
MIAMI SPRINGS, FL 33166

Mailing Address

3966 CURTIS PARKWAY
MIAMI SPRINGS, FL 33166

Registered Agent Name & Address

Oltman, Steven v
3966 CURTIS PARKWAY
MIAMI SPRINGS, FL 33166

Name Changed: 02/12/2014

Officer/Director Detail

Name & Address

Title PSD

Oltman, Steven V
3030 Royal Palm Ave
Miami Beach, FL 33140

Annual Reports

Report Year	Filed Date
2016	03/03/2016
2017	04/04/2017
2018	03/21/2018

Document Images

03/21/2018 -- ANNUAL REPORT	View image in PDF format
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