

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, April 11, 2019 4:16 PM
To: 'uche798@yahoo.com'
Cc: Arrojo, Jose (COE); Murawski, Michael P. (COE); Perez, Martha D. (COE); Turay, Radia (COE); Ventura Uche, Sheilla P. (Aviation); Campos, Evelyn (Aviation); Sanchez, Rodzandra (COE); Anderson, Machell (COE)
Subject: INQ 19-42, Emmanuel O. Uche, President, Constructors Consortium, Inc. (Limitations on Contracting with the County)
Attachments: INQ 19-42 Uche.pdf

Dear Mr. Uche:

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 19-42 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
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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: Emmanuel O. Uche, President, Constructors Consortium, Inc.

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

SUBJECT: INQ 19-42

DATE: 4-10-19

CC: All COE Legal Staff, Sheilla P. Ventura Uche, Clerk 3, Miami-Dade Aviation Department, Evelyn Campos, Division Director, Professional Compliance Division, Miami-Dade Aviation Department

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, Sheilla P. Ventura Uche, is a County employee working at the Miami-Dade Aviation Department (“MDAD”) as a Clerk. You would like to contract with the County through your privately-owned business, Constructors Consortium, Inc. (“Constructors Consortium”), a certified general contractor. Constructors Consortium 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 Constructors Consortium, 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 Sheilla P. Ventura Uche shall not participate in determining the contract requirements or in awarding the contract. Additionally, none of Mrs. Ventura Uche's responsibilities and job descriptions shall require her 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, Constructors Consortium 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 Constructors Consortium. This means that your spouse may not contact anyone within the County in an attempt to influence a decision about any contract Constructors Consortium 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 her County position to secure **special privileges or exemptions** with respect to any County contract to which Constructors Consortium 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.



H - IN 0 19-06

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 EMMANUEL O. UCHE

Name of your business CONSTRUCTORS CONSORTIUM, INC

Type of Business CERTIFIED GENERAL CONTRACTOR

Your Mailing Address 11200 S.W. 136 STREET, MIAMI, FL 33176

Your Daytime Phone 786-385-5956

Your Email UCHE798@YAHOO.COM

Name of County employee related to you SHEILLA P. VENTURA UCHE

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

County employee's department, if known MIAMI DADE AVIATION DEPARTMENT

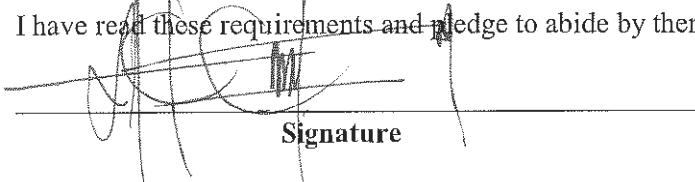
County employee's title, if known CLERK 3

Please list the **names, titles and departments** of any other immediate family members currently employed by Miami-Dade County NONE

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

4/1/2019

Date



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Detail by Entity Name

Florida Profit Corporation
CONSTRUCTORS CONSORTIUM, INC.

Filing Information

Document Number P93000006643
FEI/EIN Number 65-0456771
Date Filed 01/22/1993
State FL
Status ACTIVE
Last Event REINSTATEMENT
Event Date Filed 02/23/2016

Principal Address

11200 S.W. 136 STREET
MIAMI, FL 33176

Changed: 03/14/2019

Mailing Address

11200 S.W. 136 STREET
MIAMI, FL 33176

Changed: 03/14/2019

Registered Agent Name & Address

UCHE, EMMANUEL OPCEO
11200 S.W. 136 STREET
MIAMI, FL 33176

Name Changed: 02/23/2016

Address Changed: 03/14/2019

Officer/Director Detail

Name & Address

Title PCEO

UCHE, EMMANUEL O.
11200 S.W.136 STREET
MIAMI, FL 33176

Annual Reports**Report Year Filed Date**

2017	01/05/2017
2018	01/13/2018
2019	03/14/2019

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