



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Jessica Salum, Physical Therapist 1, Jackson Health Systems/Public Health Trust (JHS/PHT)

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

SUBJECT: INQ 20-14

DATE: 7-25-20

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding relatives of Miami-Dade County/Jackson Health Systems-Public Health Trust ("JHS") employees applying to become County vendors.

Facts:

You are employed as a Physical Therapist 1 at JHS. You would like to contract with the County through a private business, G Cool A/c, Inc. ("G Cool"), which you and your spouse Guillermo Barturen own. G Cool, is a Florida Corporation that sells and services air conditioners.

Issue:

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance ("County Ethics Code") would prevent G Cool, from contracting with the County.

Discussion and Opinion

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

A. Outside Employment

Please note that working for your privately-owned company is considered outside employment. Consequently, you must, on a yearly basis, request permission to engage in that outside employment. You must also complete the [Outside Employment Statement](#) yearly by noon July 1st, if you are a full-time County/JHS employee.

B. 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 your duties to the County/JHS.

This means that you, shall not participate in determining the contract requirements or in awarding the contract. Additionally, none of your County/JHS responsibilities and job descriptions shall 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. In your case, this means that, G Cool may not enter into contracts with JHS. *See* County Ethics Code §§ 2-11.1 (c) and (n).

C. Lobbying

Furthermore, you may not lobby the County on behalf of G Cool. This means that you may not appear before the County on behalf of G Cool, nor contact anyone within the County in an attempt to influence a decision about any contract for G Cool. *See* the County Ethics Code § 2-11.1 (m)(1).

D. Exploitation of Official Position

Finally, the County Ethics Code prohibits County employees from exploitation of their official position. In this instance, it means that you may not use your County position to secure **special privileges or exemptions** with respect to any County contract to which G Cool 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.