



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Janina Abreu, Teacher, Miami-Dade County Public Schools

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

SUBJECT: INQ 20-35

DATE: 4-10-20

CC: All COE Legal Staff

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

Facts:

You advise that you are employed as a Teacher in the Miami-Dade County Public Schools (MDCPS). You also advise that you do not have any family members employed by Miami-Dade County government (MDC). You would like to contract with MDC through your private business, Last Minute, Inc. (LMI), a company that provides natural gas and propane installations.

Issue:

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”) would prevent your company LMI from contracting with MDC.

Discussion and Opinion:

Section 2-11.1(c) of County Ethics Code provides that an MDC employee may contract with MDC as long as the employee does not enter into contract with the MDC department which employs him or her; and that the employee’s job duties do involve selection

management, or administration of the contract. However, this section does not apply to you because employees of the MDCPS do not fall within the jurisdiction of the Miami-Dade Ethics Commission. Only Miami-Dade County elected officials and employees, and their immediate family members, are required to obtain ethics opinions from the Ethics Commission as part of contracting with Miami-Dade-County. Given that neither you nor any family member of yours is employed by MDC, the County Ethics Code would not limit your company LMI from contracting with MDC as a vendor company.

Although you do not fall within the jurisdiction of the County Ethics Code, as an employee of the MDCPS, you are subject to the Florida Code of Ethics for Public Officers and Employees. For an opinion regarding Florida ethics law, please contact the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317, phone number 850 488-7864 or <http://www.ethics.state.fl.us/>.

This opinion is limited to the facts as you presented them to the 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.