



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Gary Goldfarb, Owner
Island Sales & Development Group, LLC

FROM: Radia Turay, Staff Attorney
Commission on Ethics

SUBJECT: INQ 20-38, [Prohibition on transacting business with the County § 2-11.1(c)]

DATE: April 27, 2020

CC: All COE Legal Staff; Jeanise Cummings-Labossiere, Manager-Vendor Outreach & Support Section, Miami-Dade Internal Services Department (ISD)

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transaction.

Facts:

We were contacted by the Vendor Outreach & Support Section, Miami-Dade County Internal Services Department (ISD). They advised that Mr. Gary M. Goldfarb, submitted a County vendor registration application for his privately-owned company, Island Sales & Development Group, LLC.

In his vendor registration application, Mr. Goldfarb noted that he was a board member of the Miami-Dade Board of County Commissioners International Trade Consortium (ITC). The ITC advises the BCC on issues affecting the Miami-Dade County's international trade agenda, assists staff in establishing yearly measurable objectives, establishes program priorities, and recommends the agency's budget for consideration by the Mayor and County Commission.

As Mr. Goldfarb noted that he was a member of a Miami-Dade County board, ISD staff referred him to the County Ethics Ordinance, and advised him that he should request an

opinion from the Miami-Dade Commission on Ethics and Public Trust (COE), prior to the approval of his vendor registration application. Mr. Goldfarb then provided ISD with a letter of his resignation from the board of the ITC, effective 4/22/2020.

We conferred with Mr. Goldfarb and he confirmed that he has submitted his letter of resignation to the ITC board liaison. He does not serve on any other County board. Neither he nor any of his immediate family members are County elected officials or County employees.

He is seeking to sell hand sanitizers to the County.

Issue: In light of Mr. Goldfarb's resignation from the board of ITC, is Mr. Goldfarb still required to request an opinion from the COE prior to the approval of his vendor registration application.

Analysis & Opinion:

Section (c)4 of the County Ethics Code provides that Miami-Dade County elected officials, board members, and employees **shall** seek a conflict of interest opinion from the COE prior to submittal of a bid, response, or application of any type to contract with the County by the person or his or her immediate family member.¹ *See* INQ 17-37 (An individual who is not a Miami-Dade County elected official, board member, employee, or an immediate family member of the aforementioned categories of County personnel, is not required to obtain an ethics opinion from the Ethics Commission in order to qualify to transact business with the County); *See also* INQ 15-261 (Board members are exempted from the County's two year post-employment restrictions, pursuant to § 2-11.1(q) of the County Ethics Code).

In this instance, it appears that Mr. Goldfarb has resigned from the board of the ITC. He does not serve on any other County board.

In light of his resignation, and provided that neither Mr. Goldfarb nor any of his immediate family members are currently County elected officials, board members and/or employees, it appears that Mr. Goldfarb no longer falls into the category of individuals required to request an opinion from the COE prior to transacting business with the County. *See* INQ 17-37.

Please note however, in the event that Mr. Goldfarb is reappointed to any County board, or should he or his immediate family member become a member of one of the aforementioned categories of County personnel, he should obtain an opinion from the Ethics Commission regarding limitations on his transacting business with the County, at that time.

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

¹ Section 2-11.1(b)(10) of the County Ethics Code states, "the term "immediate family" shall refer to the spouse, domestic partner, parents, stepparents, children and stepchildren of the person involved."

state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

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.