



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Shannon Thomas
GRL Investment Group, LLC

FROM: Radia Turay, Staff Attorney
Commission on Ethics

SUBJECT: INQ 20-44

DATE: May 19th, 2020

CC: All COE Legal Staff; Sgt. Villegas, Miami-Dade Police 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, Rashad Thomas, is a County employee working at the Office of the Mayor as an Assistant to Deputy Mayor Maurice Kemp. You would like to contract with the County through your privately-owned business, GRL Investment Group, LLC (“GRL”), an express catering and meals company. GRL 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 GRL, 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 Mr. Thomas shall not participate in determining the contract requirements or in awarding the contract. Additionally, none of Mr. Thomas' 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 GRL shall not enter into contracts with the Office of the Mayor. *See* County Ethics Code §§ 2-11.1 (c) and (n).

B. Lobbying

Furthermore, your spouse may not lobby the County on behalf of GRL. This means that your spouse may not appear before any County board or agency to represent GRL, nor contact anyone within the County in an attempt to influence a decision about any contract that GRL is seeking. *See* 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 GRL is applying. *See* County Ethics Code § 2-11.1(g). Given your familial relationship with Mr. Thomas who directly works for Deputy Mayor Kemp, who in turn, is tasked with the oversight of several County departments, it is recommended that Mr. Thomas be removed from any direct or indirect oversight of those departments under Deputy Mayor Kemp's supervision that you intend to contract with in order to avoid any possible perception of impropriety.

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.