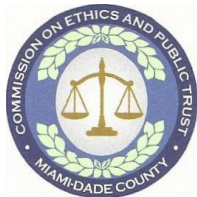


MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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July 20, 2021

Via email: barronsherer@gmail.com

Christopher Barron Sherer
Moving Image Alliance
6330 NW 40th Street
Virginia Gardens, FL 33166

Re: INQ 2021-, Limitations on Doing Business with the County

Dear Mr. Sherer:

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, Ms. Gendry Sherer, is a County employee working at the Miami-Dade Aviation Department ("MDAD") as the Manager of the department's Fine Art Division. You advise that your spouse does not work for Moving Image Alliance and is not otherwise involved in the administration or management of the business. You are an artist and would like to contract with the County through your privately-owned business, Moving Image Alliance ("Moving Image"), an art company specializing in moving image art.

Issue:

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance ("County Ethics Code") would prevent Moving Image, 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 your spouse, Ms. Sherer, shall not participate in determining the contract requirements or in awarding the contract. Additionally, none of Ms. Sherer'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 Moving Image, **shall not enter into contracts with or provide services of any type to MDAD**. See County Ethics Code §§ 2-11.1 (c) and (n).

B. Lobbying

Furthermore, your spouse may not lobby the County on behalf of Moving Image. This means that your spouse may not appear before any County board or agency to represent Moving Image, nor contact anyone within the County in an attempt to influence a decision about any contract that Moving Image 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 Moving Image 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. Please contact us if any of these facts change.

Sincerely,



Gilma Diaz-Greco, Staff Attorney

cc: All Commission on Ethics Legal Staff; Gendry Sherer, MDAD; Evelyn Campos, Division Director, MDAD Professional Compliance, MDAD.

Please submit this letter 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.

