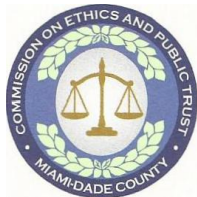


MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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March 26, 2021

SENT VIA US MAIL AND EMAIL

TO: robert@rwsengineering.com

Robert W. Shively
RWS Engineering, Inc.
10551 SW 185th Terrace
Cutler Bay, FL 33157

Re: INQ 2021-52, Limitations on Doing Business with the County

Dear Mr. Shively,

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 son, Michael R. Shively, is a County employee working at Miami-Dade Fire Rescue (MDFR) as a firefighter. You would like to contract with the County through your privately-owned business, RWS Engineering, Inc. (RWS), a contract manufacturing shop. You further advise that your son is part owner of RWS, however, he does not perform any work on behalf of the company.

Issue:

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

Analysis and Opinion:

Your inquiry involves the following sections of the Miami-Dade County Ethics Code as they apply to your son who is a County employee¹:

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 son's duties to the County.

This means that your son shall not participate in determining the contract requirements or in awarding the contract. Additionally, none of your son's 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 RWS shall not enter into contracts with MDFR. *See* County Ethics Code §§ 2-11.1 (c) and (n).

B. Lobbying

Furthermore, your son may not lobby the County on behalf of RWS. This means that your son may not appear before any County board or agency to represent RWS, nor contact anyone within the County in an attempt to influence a decision about any contract that RWS 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 son may not use his County position to secure special privileges or exemptions with respect to any County contract to which RWS 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.

We appreciate your consulting with the Commission in order to avoid possible prohibited conflicts of interest. If the facts associated with your inquiry change, please contact us for additional guidance.

¹ In the event that your son performs services for RWS, that would constitute outside employment and he would be required to obtain permission from his department director and follow the procedures set forth in County Administrative Order 7-1 and Sections 2-11.1(j) and (k) of the County Ethics Code.

Please submit this memorandum to the Procurement Department. The Ethics Commission does not submit it on your behalf.

Sincerely,



Loressa Felix
Staff Attorney

cc: All Commission on Ethics Legal Staff
Michael R. Shively, MDR

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.