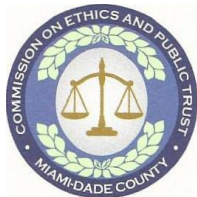


MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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April 19, 2022

SENT VIA EMAIL

TO: fiestacarousel@comcast.net

Miguel Hechavarria
991 W 22 Street
Hialeah, FL 33010

Re: INQ 2022-70, Contracting with the County, Sections 2-11.1(c), County Ethics Code

Dear Mr. Hechavarria,

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 wife, Teresa Hechavarria, works for CareerSource South Florida¹ as a Quality Assurance Coordinator. You would like to contract with the County through your privately-owned business, Fiesta Carousel, Inc. (Fiesta), an event rental company.

¹ Staff members of the South Florida Workforce Investment Board for Workforce Area 23 of the State of Florida (SFWIB) d/b/a CareerSource South Florida **are County employees** covered by the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (Ethics Code). See Miami-Dade County Resolution No. R-604-21 and R-377-04 (referencing the Interlocal Agreement with Miami-Dade County and Monroe County creating the South Florida Workforce Investment Board for Region 23 of the State of Florida.)

Issue:

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (County Ethics Code) would prevent Fiesta 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 wife, a County employee²:

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 wife's duties to the County.

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

B. Lobbying

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

² In the event that your wife performs services for Fiesta, that would constitute outside employment, and she would be required to obtain permission from her 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.

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.

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
Teresa Hechavarria, SFWIB d/b/a CareerSource South Florida

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.