

August 21, 2007

Felipe Gomez, President  
Emblem Enterprise  
11323 SW 55<sup>th</sup> St.  
Cooper City, FL 33330

Via First Class Mail and Fax at 954 680-9915

**Re: INQ 07-137 Contracting with Miami-Dade County**

Dear Mr. Gomez:

On August 21, 2007, you asked if ethical conflicts prevent you from registering as a vendor with Miami-Dade County if your brother-in-law is employed as a police officer with the Miami-Dade County Aviation Department.

In sum, you may register as a County vendor.

The legal basis for this opinion can be found at Sections 2-11.1 (b) and (c) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (hereafter called the "Ethics Code.")

The facts as we understand them are as follows:

1. You are not an employee of Miami-Dade County.
2. You wish to register your business, Emblem Enterprise, as a vendor with Miami-Dade County. Your business deals in truck parts.
3. You have no immediate family members who work for the County. Section 2-11.1 (b) of the Ethics Code defines immediate family members as "spouse, parents and children."
4. Your brother-in-law, Javier Prellezo, is a County employee who serves as a police officer with the Aviation Department. (A brother-in-law is *not* an immediate family member, according to the definition found at Section 2-11.1 (b) of the Ethics Code).

Based on these facts, your contracting with the County would not violate Section 2-11.1 (c) of the Ethics Code, because no one in your immediate family is in a position to contravene the following:

1. Entering into the contract would not interfere with the full and faithful discharge of a family member's duties to the County.

2. A family member will not participate in determining the contract requirements.
3. A family member will not participate in awarding the contract.
4. A family member's responsibilities and job description will not require him/her to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance.
5. A family member does not work in the County department that will enforce, oversee or administer the contract.

Please feel free to contact me if I can be of further assistance in this matter.

Sincerely,

Victoria Frigo  
Staff Attorney