

July 24, 2008

Raymond Lopez, President
Temptrol Air Conditioning, Inc.
4215 SW 72nd Ave.
Miami, FL 33155

Via First Class Mail and Fax at 305.663.1767

Re: INQ 08-126 County Vendor Approval

Dear Mr. Lopez:

In correspondence to our office on July 23, 2008, you asked for an ethics opinion regarding whether Temptrol Air Conditioning, Inc., may register as a County vendor based on the following:

Your brother, Roy Lopez, is employed as a Refrigeration/Air-Conditioning Mechanic Supervisor with the Miami-Dade County General Services Administration (GSA).

Based on the sibling relationship, Temptrol Air Conditioning, Inc., does not have a conflict under the County Ethics Code that would prevent your corporation from becoming a pre-approved County vendor. The County Ethics Code at Section 2-11.1 (c)(1) prohibits County employees and their *immediate family* members from transacting business with their own County departments. "Immediate family" is defined at Section 2-11.1 (b)(9) as "spouse, parents, and children" only. Brothers and sisters are not included as immediate family members.

Your brother is advised, however, that a contract between Temptrol Air Conditioning, Inc., and Miami-Dade County should not interfere with the full and faithful discharge of his duties to the County, which is covered generally at Section 2-11.1 (g) of the Ethics Code, *Exploitation of official position prohibited*.

Additionally, other restrictions that go beyond those defined in the Ethics Code may be imposed at the discretion of GSA. These could include, minimally, that Roy Lopez not participate in determining or awarding your contract or become involved in any aspect of your contract, including its enforcement, oversight, administration,

amendment, extension, termination, or forbearance. Preventing an appearance of impropriety is beyond what the letter of the law requires, but promotes the public's trust in government.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

VICTORIA FRIGO
Staff Attorney

copies:

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