

February 11, 2008

Via First Class Mail
and
email at taty9954@aol.com

Maria Fernandez
8211 SW 45th St.
Miami, FL 33155

Re: **INQ 08-17** County employee's spouse is prohibited from doing business with spouse's department, as per County Ethics Code at Section 2-11.1 (c)(2).

Dear Ms. Fernandez:

I am sorry to advise you that under the County Ethics Code at Section 2-11.1 (c)(2), your spouse, Steven Zelenka, and his company, Hit Zone, Inc., are prohibited from contracting with the County Parks & Recreation Department because you are employed by the Parks & Recreation Department.

In several communications to the Ethics Commission, you stated that you are employed by the Parks & Recreation Department as an account clerk at Tropical Park. Your husband, Steven Zelenka, and his partner, Gus Gandarillas, formed a corporation, Hit Zone, Inc., which is seeking to supply batting cages to the Parks & Recreation Department at Tropical Park. As we discussed on the phone today, the Ethics Code at Section 2-11.1(c)(2) states specifically that a county employee and her immediate family members are prohibited from contracting with "the County department which will enforce, oversee or administer the subject contract."

You told me today that you do not wish to make an appearance before the Ethics Commission to obtain a formal ethics opinion at the next meeting scheduled for February 27, 2008. If you prefer to request a waiver of this prohibition from the Board of County Commissioners, you must make your request to the Board of County Commissioners within 10 days of this opinion letter.

Sincerely,

VICTORIA FRIGO
Staff Attorney

copies via email: Sylvia Novela, Contracting Officer, Procurement Dept.
Timothy S. Byrnes, Park Manager, Tropical Park
Jon Seaman, Contract Manager, Parks & Recreation Dept.