



February 2, 2009

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ARDYTH WALKER
STAFF GENERAL COUNSEL

Luciano Luzarraga, President
PEPE LUZARRAGA CATERING CORP.
4631 SW 75th Ave.
Miami, FL 33155

Via First Class Mail and Fax at 305 264-6145

Re: INQ 09-08 Registering as a County Vendor

Dear Mr. Luzarraga:

In correspondence to our office on January 28, 2009, you said that you wish to register your business, PEPE LUZARRAGA CATERING CORP. as a County vendor.

The facts as we understand them are as follows:

- Your spouse, MATILDE "BEBA" LUZARRAGA, is an Administrative Assistant to the County Manager in the COUNTY EXECUTIVE OFFICE.
- PEPE LUZARRAGA CATERING CORP., a business owned by you and in which you serve as President, is in the catering business.

It is the opinion of the Ethics Commission staff that PEPE LUZARRAGA CATERING CORP. may register to contract with the County as long as any contract does not interfere with the full and faithful discharge of MATILDE LUZARRAGA's duties to the County. This includes the condition that MATILDE LUZARRAGA not participate in determining the contract requirements or in awarding the contract. Additionally, none of MATILDE LUZARRAGA's job responsibilities and job descriptions may 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. *Finally, MATILDE LUZARRAGA may not work in any County department that will enforce, oversee, or administer the contract.*

This opinion is consistent with previous ethics opinions dealing with similar facts, in which spouses of employees of the Office of the Board of County Commissioners were allowed to enter into contracts with the County as long as the contracts were not directly with the Office of the Board of County Commissioners. (See RQO 03-14, INQ 06-134, and INQ 09-02). Similarly, PEPE LUZARRAGA CATERING CORP. may not enter into any contracts directly with the COUNTY EXECUTIVE OFFICE, as long as MS. LUZARRAGA is employed there.

If any of the facts you have presented change, or if you have further questions, please do not hesitate to contact me at 305.350.0601.

Sincerely,

VICTORIA FRIGO
Staff Attorney

copy: Esmeralda Cardenas, DPM, Procurement Contracting Technician
Fax: 305 375-5409