

February 9, 2009

Ralph L. Gazitúa, President
WAREHOUSE DIVISION OF WORLD TERMINAL AND DISTRIBUTING CORP.
2801 NW 74th Ave., Suite 100
Miami, FL 33122

Via First Class Mail and Fax at 305 594-5848

Re: INQ 09-15 Registering as a County Vendor

Dear Mr. Gazitúa:

In correspondence to our office on February 9, 2009, you said that you wish to register your business, WAREHOUSE DIVISION OF WORLD TERMINAL AND DISTRIBUTING CORP., as a County vendor.

The facts as we understand them are as follows:

- Your son, LUIS A. GAZITÚA, is Special Advisor to the County Mayor in the MAYOR'S OFFICE.
- You serve in a voluntary capacity as a police chaplain for the Miami-Dade County POLICE DEPARTMENT.
- WAREHOUSE DIVISION OF WORLD TERMINAL AND DISTRIBUTING CORP., a business owned by you and in which you serve as President, is in the logistics infrastructure business providing warehousing, contract distribution, public warehousing, U.S. customs bonded warehousing, and container freight station services.

It is the opinion of the Ethics Commission staff that WAREHOUSE DIVISION may register to contract with the County as long as any contract does not interfere with the full and faithful discharge of LUIS A. GAZITÚA's duties to the County. This includes the condition that LUIS A. GAZITÚA not participate in determining the contract requirements or in awarding the contract. Additionally, none of LUIS A. GAZITÚA's job responsibilities and job descriptions may require him to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination, or forbearance. Finally, LUIS A. GAZITÚA 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 immediate family members 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, WAREHOUSE DIVISION may not enter into any contracts directly with the COUNTY MAYOR'S OFFICE, as long as LUIS A. GAZITÚA is employed there.

Your work as a volunteer with the Miami-Dade County POLICE DEPARTMENT does not pose any legal obstacles to your registration as a county vendor. However, if you were to contract directly with the POLICE DEPARTMENT, you risk creating an appearance of impropriety.

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