

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Wednesday, December 07, 2011 2:34 PM  
**To:** 'Debora Aguero'  
**Cc:** Centorino, Joseph (COE)  
**Subject:** Vendor Application (INQ 11-183)

TO: Debora Aguero, D & L Auto and Marine Supplies, Inc.

Ms. Aguero,

You asked if your company, D & L Auto and Marine Supplies, Inc., may respond to a request for a quote by the County Police Department to provide jumper cables. You stated that you did not solicit this request.

Based on the facts presented, you may respond to and contract with the Police Department as long as you do not solicit or lobby for a contract personally for two years following your retirement from the Police Department, which occurred on July 29, 2011. Additionally, your sister-in-law, who currently works for the Police Department, may not use her influence to obtain a special benefit for you, your husband or your company.

Your question posed two issues:

### 1. AS A FORMER COUNTY EMPLOYEE

The Ordinance: The County Code at Sec. 2-11.1 (q) prevents you, as a former County employee, from lobbying the County for two years following your departure from County employment. Lobbying is defined very broadly to mean *any activity intended to influence* a government employee or an elected official to take an official action.

Your Responsibilities: The ban on lobbying for two years requires that you not attempt to influence any individual in County government to grant your company a contract for supplies or services. For example, you may not meet with County employees or communicate with them in an effort to *influence* a County purchase of products that you supply. You could violate the Ethics Code if you raised this topic, even in informal conversations, with former colleagues.

Our Findings: A member of our investigative staff contacted Richard Sierra, who is assigned to the Police Department Inventory and Supply Bureau. Mr. Sierra confirmed that he initiated the request for a quote based on the requirements of County Contract No. 1070-5/14-2. Under the Automotive & Truck Parts & Repair Services provision of the contract, several vendors, including D & L Auto and Marine Supplies, Inc., are listed as qualified to supply parts. As is his regular practice, Mr. Sierra contacted all of the vendors listed in the contract, independently and completely devoid of any actions initiated by you or your sister-in-law.

### 2. AS A COUNTY VENDOR WHOSE RELATIVE WORKS FOR THE COUNTY

The Ordinance: The Ethics Code at Sec. 2-11.1 (g) prohibits current County employees from securing special privileges for themselves or others by virtue of their County position.

Your Responsibilities: Vendors are generally prohibited from contracting with departments that employ their immediate family members. Your sister-in-law, Cynthia Muni, is employed by the County Police Department as an Administrative Assistant with the Narcotics Bureau.

However, "sister" and "sister-in-law" are not included within the definition of "immediate family." Consequently, your company may enter into contracts with the Police Department, but Ms. Muni, to

avoid even the appearance of securing special privileges for you, should not deal with any aspects of any contracts involving D & L Auto and Marine Supplies, Inc.

Our Findings:

Our investigator found no evidence of influence of any kind by you or your sister-in-law regarding this solicitation.

If the facts above are complete and accurate, you may respond to a request that has been proffered to your company to provide jumper cables.

Thank you for seeking an ethics opinion on this important subject.

Sincerely,

**VICTORIA FRIGO, STAFF ATTORNEY**

Phone: 305 350-0601

Fax: 305 579-0273



19 West Flagler St., Suite 820  
Miami, FL 33130

*Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.*

**From:** Debora Aguero [mailto:daguero57@bellsouth.net]

**Sent:** Monday, December 05, 2011 4:14 PM

**To:** Frigo, Victoria (COE)

**Subject:** RE: Vendor Application

My last work day was July 29, 2011. Thanks!!!

--- On **Mon, 12/5/11, Frigo, Victoria (COE)** <[FRIGOV@miamidade.gov](mailto:FRIGOV@miamidade.gov)> wrote:

From: Frigo, Victoria (COE) <[FRIGOV@miamidade.gov](mailto:FRIGOV@miamidade.gov)>

Subject: RE: Vendor Application

To: "Debora Aguero" <[daguero57@bellsouth.net](mailto:daguero57@bellsouth.net)>

Date: Monday, December 5, 2011, 8:19 PM

Hello Debora,

I have received your form and it is filled out correctly. Please tell me the date that you retired from the County, so that I can include that information in my response to you.

Thanks,

**VICTORIA FRIGO, STAFF ATTORNEY**

Phone: 305 350-0601

Fax: 305 579-0273



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**From:** Debora Aguero [<mailto:daguero57@bellsouth.net>]  
**Sent:** Monday, December 05, 2011 3:12 PM  
**To:** Frigo, Victoria (COE)  
**Subject:** Re: Vendor Application

Thanks so much for your help. I hope I filled this out correctly. If not, please call me at 395-593-0560.

Thanks,

Debora Aguero

--- On **Mon, 12/5/11**, Frigo, Victoria (COE) <[FRIGOV@miamidade.gov](mailto:FRIGOV@miamidade.gov)> wrote:

From: Frigo, Victoria (COE) <[FRIGOV@miamidade.gov](mailto:FRIGOV@miamidade.gov)>  
Subject: Vendor Application  
To: [daguero57@bellsouth.net](mailto:daguero57@bellsouth.net)  
Date: Monday, December 5, 2011, 7:49 PM

**VICTORIA FRIGO, STAFF ATTORNEY**

Phone: 305 350-0601

Fax: 305 579-0273



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Miami, FL 33130

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