

Diaz-Greco, Gilma M. (COE)

Subject: FW: Nepotism issue
Attachments: County nepotism_manual.pdf; Co_Nepotism_Policy.pdf

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, January 09, 2014 12:41 PM
To: 'Pepe, Thomas F.'
Subject: RE: Nepotism issue

Mr. Pepe,

You advise that you have a private law practice, and that you have also been hired as the City Attorney for the City of South Miami on an independent contractor basis. Your firm's contract with the City of South Miami allows your firm to hire individuals to assist you in the work you perform for the city and to bill the city for the cost of their work.

You have inquired whether it would be a violation of nepotism laws, or the County Ethics Code provisions for your firm to hire your daughter to occasionally do work that involves the City of [South Miami](#). Assuming that you daughter's work is properly billed to the City of South Miami in a manner consistent with that of other individuals you hire to work for you firm, there would not appear to be any violation of the Ethics Code.

Nepotism is addressed in Florida Statute 112.3135 and the County's Nepotism Manual, which is attached. Because the County Ethics Commission does not have jurisdiction to interpret State Statutes, we would suggest that you seek the advice of the County Attorney's Office or the State Ethics Commission as to whether in this case, hiring your daughter would constitute a violation of either state law or County ordinances or policies.

I'm sorry that we cannot be of more assistance. The State Ethics Commission can be found at <http://www.ethics.state.fl.us/> or 850 488-7864.

Sincerely,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Pepe, Thomas F. [<mailto:TPepe@southmiamifl.gov>]
Sent: Friday, January 03, 2014 2:16 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: Nepotism issue

I am the city attorney for South Miami. As city attorney I am an officer of the City of South Miami. However, I've been hired as an independent contractor for the City and I have other clients that I represent throughout the year while I am also representing the City. I have reviewed Florida statute 112.3135 regarding nepotism.

I hire my daughter from time to time to do work for my office. On occasion the work that she does for me involves my work for the City of South Miami. She is not hired by the City of South Miami, and therefore I am not involved in the appointment or employment of her by the City of South Miami. However, my contract with the city allows me to hire individuals to aid me in my work for the city and to bill the city for that cost. Consequently my question is whether or not I would violate any nepotism laws or any other ethics codes if I was to bill the city for the work performed by my daughter that involves city related matters.

Very truly yours,

Thomas F. Pepe

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