
From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, May 08, 2014 3:36 PM
To: Sanchez, Rodzandra (COE)
Subject: Ethics Opinion (Contingency Fees) INQ 14-116

INQ 14-116

From: Ramos, Miriam S. (COE)
Sent: Wednesday, May 07, 2014 3:59 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: INQ 14-115

Mimi, this should be processed as an INQ.

Miriam S. Ramos, Esq.
Deputy General Counsel



Miami-Dade Commission on Ethics and Public Trust
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From: Steinback, Robert (COE)
Sent: Wednesday, May 07, 2014 1:10 PM
To: 'James McDonald'
Cc: Ramos, Miriam S. (COE)
Subject: RE: OPinion

Mr. McDonald,

I forwarded your inquiry to the Commission on Ethics' deputy general counsel, Miriam S. Ramos, who has demonstrated why nobody pays me to offer legal advice. I have reproduced her response below. If you have any questions, you may call Ms. Ramos directly. Her number is below.

I hope this has proved helpful. Be well.

Robert Steinback
Investigator

Miami-Dade County Commission on Ethics and Public Trust
19 West Flagler Street, Miami FL 33130
Roberts@miamidade.gov
305.350.0615

Robert,

In my opinion, what Mr. McDonald describes would be considered a contingency fee and is therefore disallowed by Sec. 2-11.1(s)(7). “Contingency fee” is described as a “fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on the passage, defeat or modification of: (1) an...action or decision of the County Commission; (2) any action, decision or recommendation of the County Mayor or any County board of committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process...”

It seems to me that his payment being based on whether the RFP is awarded to his client and the fact that the fee is a percentage of the value of the contract clearly makes this a contingency fee arrangement.

Let me know if you have any questions.

Miriam S. Ramos, Esq.
Deputy General Counsel



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From: James McDonald [<mailto:JMcDonald@mmlawmiami.com>]
Sent: Monday, May 05, 2014 3:39 PM
To: Steinback, Robert (COE)
Subject: OPinion

Dear Robert;

Following up on our telephone conversation, I have been working for a particular client for a number of years. The client has developed a process that it believes will save the county considerable money. I have been asked to make certain introductions to the county. Should the county decide to implement the process through the RFP procedure and pay my client accordingly, I will be paid a certain percentage of whatever my client is compensated by the county. I have reviewed Sec. 2-11.1(s)(7) and am unclear as to its applicability to my situation.

Thank you for your assistance.

James E. McDonald , P.A.
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305-662-6160

Of Counsel

**McLuskey &
McDonald, P.A.**
ATTORNEYS AT LAW