

## Diaz-Greco, Gilma M. (COE)

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**From:** Ronetta Taylor <taylorr@miamigardens-fl.gov>  
**Sent:** Tuesday, March 18, 2014 4:15 PM  
**To:** Diaz-Greco, Gilma M. (COE)  
**Subject:** RE: Ethics Opinion INQ 14-63

Thanks for your prompt attention to this inquiry.

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**From:** Diaz-Greco, Gilma M. (COE) [<mailto:GDIAZGR@miamidade.gov>]  
**Sent:** Tuesday, March 18, 2014 3:54 PM  
**To:** Ronetta Taylor  
**Cc:** Centorino, Joseph (COE)  
**Subject:** Ethics Opinion INQ 14-63

Ms. Taylor:

You have inquired whether it would be a prohibited conflict under the Code of Ethics for an elected official from the City of Miami Gardens to contract with a city vendor to work on his re-election campaign. The city vendor currently provides advertising services to the city of Miami Gardens and would be contracted by the elected official to provide advertising and other media services for his re-election campaign.

Section 2-11.1(u) of the Ethics Code provides that elected officials are prohibited from entering into contracts with persons who are contracting with their municipality unless it is an arms-length business transaction made in the ordinary course of business. In this case, it means that the Ethics Code would not prohibit the elected official from entering into a contract with a city vendor as long as the transaction is an arm's length business transaction that contains no special discounts, terms, or benefits obtained because of the elected official's position.

However, Fla. Stat. 112.313(7) appears to set a stricter standard. It prohibits public officers (including elected officials) from having a contractual relationship with a business entity that is doing business with the elected official's city. It states:

"No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee... nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties."

You may wish to contact the Florida Ethics Commission for an opinion under state law on this issue. The link to the Florida Commission on Ethics website is: <http://www.ethics.state.fl.us/>.

Please do not hesitate to contact us if we may be of further assistance.

Best regards,

Gilma (Mimi) Diaz-Greco  
Staff Attorney



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