

REQUEST FOR OPINION CHECKLIST

Request for Opinion

Dated: 10/12/2005

Investigative File

Draft Opinion

Notification to requestor of hearing before commission:

Scheduled for _____ at _____ .m; or No _____

Commission Action: _____

Final Disposition: _____

M E M O R A N D U M

TO: COMMISSION ON ETHICS AND PUBLIC TRUST
FROM: ARDYTH WALKER, STAFF GENERAL COUNSEL
RE: RQO 05-113
DATE: OCTOBER 19, 2005
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BACKGROUND

Paul Renderer, Maintenance 1 Supervisor at Miami International Airport, is seeking an advisory opinion regarding his wife's ability to contract with Miami International Airport to provide locksmith services.

FACTS

Renderer's spouse, Jennifer Renderer, operates All County Lock and Key. The firm currently provides locksmith services to several county agencies and departments. However, the firm does not have any contracts with the Aviation Department.

In RQO 99-20, the Ethics Commission opined that All County Lock and Key was prohibited from contracting with the county to provide services. At the time, Renderer served as Locksmith for the Aviation Department and All County Lock and Key was the low bidder on an aviation contract. Subsequently, in 1999, the ordinance was amended to permit county employees to contract with the county to provide services as long as the employee was not involved in determining the requirements for the solicitation and the employee was not involved in the administration, oversight, enforcement or extension of the contract. In RQO 00-103, the Ethics Commission opined that that All County Lock and Key could contract with all county departments except Aviation.

Since the original opinions were issued, Renderer has left his job as Locksmith and serves as a maintenance supervisor at the Airport. In his current position, Renderer does have any responsibility for the solicitation, award or oversight of locksmith contracts at the Airport. Renderer is seeking

an opinion regarding whether, in light of the changed circumstances, All County Lock and Key may provide locksmith services to Miami International Airport.

ARGUMENT

The Conflict of Interest and Code of Ethics ordinance prohibits Renderer from contracting with the Aviation department. Although Renderer no longer has any responsibilities in regard to procurement and oversight of locksmith services, the ordinance prohibits spouses from contracting with their spouse's department. Section 2-11.1(c) provides that " Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be construed to prevent any employee...from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County as long as 1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract awards or awarding the contract , and 3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Dade County, if the employee works in the county department which will enforce, oversee or administer the subject contract. As long as Renderer is an Aviation department employment, All-County Lock and Key is prohibited from contracting with the Aviation department.

CONCLUSION

The Conflict of Interest and Code of Ethics ordinance prohibits spouses of employees from contracting with their spouse's department. Therefore, All-County Lock and Key is prohibited from contracting with the Aviation Department.

Paul D. Renderer
Maintenance 1 Supervisor
Miami International Airport

R00 05-113

Ms. Ardth Walker
Staff General Counsel
Ethics Board
October 4, 2005

305 947-8480

Re: Bid #3857-2/10-OTR
Hardware (cabinets, entrance doors) and related items

REQUEST FOR RULING

My wife purchased Renderer Inc., in November of 1996. She is sole owner. I work for Miami Dade Aviation Department. I have gotten a promotion and now am a Maintenance 1 Supervisor at the Airport no longer am I a Locksmith at the airport. I have no influence on other Dade County Departments and they are required to follow guidelines as established by Dade County procurement.

My wife has been unable to do business with the airport for sometime due to my working here. It is possible for the ethics board to revisit this issue as well since I still have nothing to do with that dept. or the procurement dept. This bid is due to be opened on October 12, 2005 at 2:00pm. Please advice as soon as possible.

Paul Renderer 305-876-0298 Metro Dade Aviation
Jennifer C. Renderer 305-944-0469 All County Lock &Key

Regards,

Paul Renderer
Husband