

**MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST**

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December 11, 2023

Via Facsimile Only:

[anthony@miamidade.gov](mailto:anthony@miamidade.gov)

Honorable Anthony Rodriguez  
District 10 Commissioner and Board Vice Chairman  
111 Northwest 1st Street, Terrace Level Suite 3  
Miami, Florida 33128

Re: INQ 2023-159, Family-Owned Entity Transacting with County Contractor  
Secs. 2-11.1(c),(d),(g), and (n), Miami-Dade Code

Dear Commissioner Rodriguez:

Thank you for contacting the Miami-Dade County Commission on Ethics and Public Trust and for seeking guidance regarding the application of the County Ethics Code (Section 2-11.1, Miami-Dade Code) to the transaction described below.

Facts:

You represent District 10 on the Board of County Commissioners, and also serve as the Commission’s Vice Chairperson.

Your spouse, Licette Rodriguez, is a partner with 50% ownership in Florida Preferred Group, LLP (FPG), a for-profit limited liability company that provides commercial janitorial services. While Ms. Rodriguez receives a financial benefit from her part ownership of FPG, she is not involved in the management of that entity.

FPG does business in Miami-Dade County, but it is not a County bidder, proposer, or contractor. However, it may currently, or in the future, seek to do business with a County vendor or contractor. You have requested guidance, in abundance of caution, regarding any limitations on FPG’s ability to transact business with a County vendor or contractor. You also seek guidance regarding your own official actions as regards a County vendor transacting business with FPG.

Issues:

Whether a company owned by a county commissioner's spouse may enter into a business transaction with a county vendor or contractor.

Whether a county commissioner may take official action involving a county vendor or contractor with whom his spouse's company is transacting business.

Discussion:

Sections 2-11.1(c) and (d) of the County Ethics Code prohibit an elected official from entering into any contract or transacting business with the County in his or her individual capacity, through an immediate family member, or through a firm, corporation, partnership, or business entity, if the official or family member has a controlling financial interest in the entity. <sup>1</sup>

However, the County Ethics Code does not prohibit an entity owned by an official's immediate family member from transacting business with a person or entity that is contracting with the County. It is permissible for an entity owned by an immediate family member to transact business with a county vendor or contractor on matters unrelated to the County. In point of fact, the family-owned entity may also subcontract with a County vendor *on a County contract*. <sup>2</sup>

Section 2-11.1(g) of the County Ethics Code broadly prohibits the exploitative use or attempted use of public position to secure special privileges or exemptions for an official or others. Consequently, an elected official must avoid using public resources to benefit his or her immediate family member's business.

Also, Section 2-11.1(n) of the Ethics Code prohibits an official from participating in any action directly or indirectly affecting a business in which he or she, or any member of his or her immediate family, has a financial interest. Accordingly, officials may not be involved in any County decisions or actions that might affect the family-owned business. This prohibition might also prohibit official action involving County vendors and contractors with whom the family-owned entity is transacting. <sup>3</sup>

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<sup>1</sup> Section 2-11.1(b)(9), Miami-Dade Code (The category of "immediate family member" includes the spouse and domestic partner of a County elected official).

<sup>2</sup> See generally RQO 18-02 (Plumbing company owned by county employee's spouse may subcontract with County contractor retained to design, construct, and redevelop the Liberty Square Rising Project, but the employee is prohibited from any involvement in her official capacity with the family-owned company as relates to the County project); See also RQO 10-32 (The Ethics Commission recognized that the spouse of a County employee is not prohibited from contracting *with firms that are working on County-funded projects*).

<sup>3</sup> See generally INQ 11-133 (County official might be prohibited from official action involving a firm that employs his son).

Finally, Section 2-11.1(d) of the Ethics Code contains an expansive voting conflict provision prohibiting an elected official from voting or participating on a matter if he or she “would or *might*, directly or *indirectly*, profit or be enhanced” by the action of board. <sup>4</sup>

Because of its expansive scope, this provision may prohibit the participation and vote on an item affecting a municipal vendor that an official’s family-owned business has contracted with. While this is not a blanket voting conflict-of-interest, if the immediate family member or his or her business was involved with the vendor or contractor *on the matter before the board*, then the official may not vote on the matter. <sup>5</sup>

Opinion:

Based on the facts presented and the reasoning underlying the ethics opinions cited above, the County Ethics Code permits your spouse’s business, FPG, to enter into a business transaction with persons or entities that are contracting with the County, or any shareholder, partner, officer, director or employee of said contractor.

In your official capacity, you are cautioned regarding direct or indirect involvement in any matter involving a County vendor or contractor that has entered into a business transaction with FPG. You may also be prohibited from participation or vote on a matter that might directly or indirectly affect the County vendor or contractor.

The applicability of these restrictions will be dependent on the nature and extent of the relationship between your spouse’s business and the County vendor or contractor. Certainly, if there is a significant business relationship between FPG and the County contractor, or if the relationship involves the sale of products or services to the County, e.g., where the FPG is a subcontractor on a County contract, then the restrictions would apply. Conversely, a lesser business relationship with a County vendor or contractor, or a relationship in matters not involving the County, might not trigger the prohibitions.

Because the applicability of these restrictions will be governed by the specifics of FPG’s relationship with a County vendor or contractor, then you are encouraged to seek further guidance if you are called upon, or considering official action regarding a County contractor or vendor with whom FPG is transacting business.

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<sup>4</sup> See RQO 15-04 (The word "might" indicates that, at the very least, a reasonable possibility of profit or enhancement, would trigger the prohibition. While the standard applied should require more than a remote or speculative possibility, it should cover a potential benefit that may be realistically expected to occur under known circumstances. The word "indirectly" would include within its ambit an impact on a person or entity that should logically be extended to cover an elected official as a result of that official's relationship or association with the person or entity primarily affected. The word "enhanced" connotes a benefit broader in concept than a measurable financial profit, including an improved professional or social position.); INQ 14-86 (The County voting conflict provision is more restrictive than that contained in State Ethics Code, Section 112.3143, Florida Statutes).

<sup>5</sup> INQ 19-46 (City Commissioner may vote on matters affecting a municipal vendor that his son’s firm is contracted with, but if the son or his firm was engaged with the vendor on the matter under consideration by the board, then the Commissioner should not participate or vote on the item).

This opinion on based only upon the facts provided to the Ethics Commission and detailed herein.

Thank you again for consulting with the Ethics Commission and do not hesitate to contact me directly if you should require further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Arrojo', with a stylized flourish at the end.

Jose J. Arrojo  
Executive Director

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.

cc: All COE Legal Staff

Roniel Oves, District 10 Chief of Staff  
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