



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST


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### MEMORANDUM

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**TO:** Honorable J.C. Bermudez  
District 12 Commissioner

**FROM:** Jose J. Arrojo   
Executive Director

**RE:** INQ 2023-71, Section 2-11.1 (d), Voting Conflicts, Miami Dade Ethics Code  
L3/Harris Contract

**DATE:** June 12, 2023

**CC:** Vivian Castro  
District 12 Legislative Director

Michael Fresco, Jr.  
District 12 Coordinator

All COE Legal Staff

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Facts:

Item 230949 which recommends approval of a designated purchase order under Contract No. L9203-0/30 with L3/Harris is scheduled to be heard before the Community Safety, Security, and Emergency Management Committee that is chaired by Commissioner J.C. Bermudez. More specifically, the item seeks expenditure authority to upgrade the Corrections and Rehabilitation Department's radio communications infrastructure at the Metro-West and Turner Guilford Knight Detention/Corrections Centers.

The contract's enforcement, oversight, administration, amendment, extension, termination, or forbearance will be managed by the Information Technology Department.

Additionally, it is publicly reported that Cooper General is a partner to L3/Harris and services Miami-Dade's trunking system. It assists and represents L3/Harris in providing services to its customers, including Miami-Dade County.

Consequently, both L3/Harris and Cooper General are entities that will be directly or indirectly affected by the action of the board on the above referenced agenda item.

The voting member has no legal or financial relationship with L3/Harris or Cooper General. Likewise, no member of the member's immediate family has a legal or financial relationship with L3/Harris or Cooper General.

Dr. Michael G. Fresco, Sr. is a majority owner and President of Cooper General. His responsibilities with Cooper-General primarily include overseeing Cooper General's daily operations, and he has previously advised that he is involved in Cooper General's servicing partnership with L3/Harris in its contracts with Miami-Dade County. Cooper General has its own contracts with Miami-Dade County.

Mr. Michael G. Fresco, Jr., the son of Dr. Fresco, Sr., is employed as a Commission District Coordinator in the voting member's office. Mr. Fresco, Jr. advised that he does not have any role in or involvement with L3/Harris or Cooper General.

Discussion:

As regards the voting conflict prohibitions applicable to the voting member, Section 2-11.1 (d) of the County Ethics Code provides that a voting conflict may be created where an elected official has an enumerated employment, legal, or financial relationship with an entity that would be or might be directly or indirectly affected by the action of the board.

More broadly, that subsection also provides that even if an enumerated relationship does not exist with entity that may be affected by the action of the board, a voting conflict may arise if the official "might, directly or indirectly, profit or be enhanced by the action of the board."

Also, as regards County employees and their immediate family, Section 2-11.1 (c) of the County Ethics Code provides a limited exclusion from the general prohibition on doing business with the County, so long as entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, the employee has not participated in determining the subject contract requirements or awarding the contract, and 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.

Finally, again as regards County employees, Section 2-11.1 (g), of the County Ethics Code, prohibits County employees from exploiting their official position to secure specific privileges or exemptions for themselves or another.<sup>1</sup>

Opinion:

Based upon the facts provided, there is no voting conflict that would prevent Commissioner Bermudez from participating or voting on the agenda item inasmuch as neither he, nor any immediate family

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<sup>1</sup> See INQ 2022-117 (Addressing limitations on Mr. Fresco, Jr.'s involvement in any matters regarding Cooper General while employed as Commission staff member, given his father's ownership interest in that entity.)

member, have a legal or financial relationship with L3/Harris or Cooper General and consequently, he would not be directly or indirectly affected by the action of the board.

As regards the Commissioner's employee, because he is not employed by the Information Technology Department, and he has not, nor will he be involved in any manner with the agenda item, then there is no prohibition on his current or continued employment with the County, given his father's ownership interest in Cooper General.

Clearly, Mr. Fresco Jr. should not be involved whatsoever regarding L3/Harris or Cooper General matters.

This opinion is limited to the facts as presented to the Commission on Ethics, is limited to an interpretation of the County Ethics Code only, and is not intended to interpret state laws. While there may be references to state statutes, questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

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.