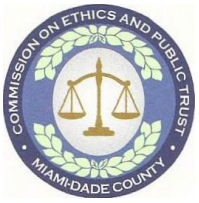
MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST

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September 24, 2026

Arlette Sosa[i], Owner
Ataxmar LLC
Sent Via Email to: sosaarlette@hotmail.com

Re: INQ 2026-89, Section 2-385 of the City of Doral Code of Ordinances, Improper influence by immediate family members; Section 2-11.1(g), Exploitation of official position prohibited; Section 2-11.1(m), Certain appearances and payment prohibited; Section 2-11.1(c), Prohibition on transacting business within the County; Section 2-11.1(d), Further prohibition on transacting business with the County; Section 2-11.1(n), Actions prohibited when financial interest involved.

Dear Ms. Sosa,

Thank you for contacting the Miami-Dade County Commission on Ethics and Public Trust and seeking guidance regarding the application of ethics code provisions to your company's interactions with the City of Doral should your husband be elected to the Doral City Council.

You are the owner of Ataxmar LLC, a Florida limited liability company that provides permit expediting, permitting coordination, business licensing, certificates of use, and related administrative services to private clients throughout Miami-Dade County, including the City of Doral (hereinafter "City").

You advised that your husband is currently a candidate for a seat in the City Council. The election is scheduled for November 3, 2026, and, if elected, he is expected to assume office on November 4, 2026. You are seeking guidance as to the application of Miami-Dade County and City ethics code requirements to your professional activities as a permit expeditor.

You also indicated that you have private-client permit and licensing matters pending before the City that were initiated before your husband's potential assumption of office. You have asked several questions in relation to those existing duties:

1. Whether you may continue to handle existing matters after he assumes office, or if the matter should be transferred to another qualified company. Additionally, if a transfer is required, whether you may complete limited administrative steps necessary to close or transfer the existing files.

2. Whether services performed and fees earned before the effective date of any prohibitions may be invoiced and collected after the effective date.

3. Whether you would be prohibited from accepting new agreements to provide permit-expediting, licensing, Certificate of Use, Business Tax Receipt, or other administrative processing services involving the City?

4. Whether your husband's nephew's spouse, who independently owns a company that provides permit-expediting and related services, may be permitted to provide these services in the City, provided that neither your husband nor you have any ownership, financial interest, compensation, or control over that company.

5. Whether it would be permissible for existing Ataxmar clients to independently retain that company or another qualified permit expeditor after your involvement ends, provided that the business remains completely separate and your husband does not communicate with or influence City personnel regarding those matters.

6. The date upon which any potential restrictions would be applicable.

Several sections of the Miami-Dade County Conflict of Interest and Ethics Code (hereinafter "County Ethics Code") limit the conduct of municipal officers as it relates to business transactions between his or her immediate family members[ii] within the municipality he/she serves. Sections 2-11.1(c) and (d) of the Ethics Code restrict public officers from transacting business with his or her municipality through any entity in which he/she or an immediate family member has a controlling financial interest. Section 2-11.1(g) prohibits municipal officers from using their public position, or any municipal resources, to secure a special benefit for themselves or others. Section 2-11.1(m)(1) prohibits municipal officers from appearing before any municipal board on behalf of a third party and from receiving compensation, directly or *indirectly* or in any form, for any services rendered to the third party seeking a benefit from the municipality, in connection with the benefit[iii] sought. Section (n) of the County Ethics Code prohibits public officers from participating in an official action which may affect a business where he/she or an immediate family member has a financial interest.

These provisions have been interpreted to require municipal officers to limit his or her municipal activities to processes available to the general public and not seek any special accommodation for themselves, their immediate family, and/or others. For example, a Town Councilman was permitted to work in the municipality he served as a general contractor as long as he did not vote or participate in any official action directly or indirectly affecting his construction company, did not use municipal time, resources, or staff in furtherance of his outside employment, and restricted his interactions with municipal employees to ministerial transactions or processes available to the general public and not seek any special accommodation on behalf of himself or his clients. *See* INQ 21-143 (citing Sections 2-11.1(g) and (n), County Ethics Code).

Similarly, a City Commissioner who operates a company that helps clients obtain construction permits and other municipal approvals – including in the municipality where she serves – may do so only if all contacts and representations are limited to ministerial tasks or simple requests for information. *See* RQO 24-02 (citing Sections 2-11.1(m), County Ethics Code). Further, if the

contact or representation involves advocacy on the part of the official or the employees and requires responsive decision-making or discretionary action by a city official, board member, or employee, then a prohibited conflict of interest may be found. *See id.* The Ethics Commission's precedent defines true ministerial activity to generally involve routine administrative processes that do not expose municipal employees to the exercise judgment or discretion in favor of an applicant. *See* RQO 24-02; *see also* INQ 21-143. However, conduct is not ministerial simply due to its characterization. Rather, conduct which exposes municipal employees to discretionary choices for, or against, an applicant would be violative of the code. *See* e.g., INQ 22-145 (providing caution on the self-identification of official status when interacting with City staff in the context of their outside employment). Significant caution is therefore warranted in circumstances that create an opportunity for an official's status, or the applicant's association with that official, to influence an employee's actions based on who the applicant is or the applicant's association with a public official.[iv]

However, the City Code has a provision within its ethics code which is more restrictive in limiting the actions of the immediate family members[v] of City officials in an effort to limit improper influence over City action. Section 2-385, entitled "Improper influence by immediate family members" states as follows:

> (a) The immediate family members of the mayor, city council, charter officials, legislative aids of the city and employees are hereby prohibited from directly or indirectly influencing, or attempting to influence, the decision and/or official act of any city staff which would bring pecuniary and/or other direct personal benefit.
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> (b) An immediate family member of the mayor, city council, charter official, legislative aid or department head of the city shall not make an agreement for, charge, or collect fees for processing or expediting administrative approvals in the city.

Subsection (b) of this provision prohibits an immediate family member of a city council member from participating in the process of administrative approvals in the City when he or she is collecting a fee, charge, or has an agreement to do so. In INQ 24-16, the Ethics Commission interpreted the City Code as prohibiting the spouse of an elected official, charter official, legislative aid, or department head of the City, who is employed as a general contractor, from submitting permit applications to the City's building department as a general contractor for private clients within the City. The opinion explained that the "usage of 'processing' in the provision provides a stricter interpretation," such that processing administrative approvals would include the submission of permits to the City Building Department or any aspect of the administrative process necessary to obtain a building permit.

Consequently, the County Ethics Code does not prohibit the spouse of a councilman from submitting permits, business licensing, certificates of use, or other related administrative services to the City when said task is only ministerial in nature and involves no advocacy on the part of the official, his immediate family member, or the company's employees. However, if the municipal contact by the company or its employees requires responsive decision-making or discretionary

action by a city official, board member, or employee, then a prohibited conflict of interest likely exists.

The City Code provides a more limiting provision for those it feels are in influential departments, including that of a councilman. This provision prohibits the spouse of a councilman from making an agreement or taking a fee or charge from a client to participate in the process of administrative approvals from the City, which would include the submission of permit, business licensing, certificates of use, or other related administrative services on behalf of clients within the City.

Therefore, if your spouse is elected to the City of Doral Council you would be prohibited from making an agreement or taking a fee or charge from a client to participate in the process of administrative approvals from the City. All restrictions would take effect from the date that your husband is elected to office.[vi] Thus, appropriate arrangements should be made in advance of his election to bring all City client representations to a close, this would include any existing representation and outstanding fees owed. It also appears likely that seeking collection of fees after that date may be in violation of the City Code.

The codes do not prohibit you from transferring existing or future clients to other companies, including companies owned by your husband's nephew's spouse, provided that neither you nor your husband has any ownership or financial interest in, receives compensation or referral fees from, exercises control over, or participates in the work of that company or the transferred matter. However, should a former client you transferred to another company come before your husband during his service to the city, he should seek further guidance to avoid a potential conflict of interest and/or an appearance of impropriety.

This opinion is limited to the facts as presented to the Ethics Commission and is limited to an interpretation of the City of Doral Ethics Code and County Ethics Code only. It is not intended to interpret state law. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

Thank you again for requesting ethics guidance from the Miami-Dade County Commission on Ethics and Public Trust and please do not hesitate to contact us again should you require additional assistance.

Sincerely,

Loressa Felix
General Counsel/Deputy Director

cc: COE Legal Staff

INQs are informal opinions provided by the legal staff after review and approval by the Executive Director and/or General Counsel. INQs deal with opinions previously addressed in public session by the Miami-Dade Commission on Ethics and Public Trust or within the plain meaning of the County Ethics Code. RQOs are

opinions provided by the Ethics Commission when the subject matter is of great public importance or where there is insufficient precedent. While this is an informal opinion, covered parties that act contrary to this opinion may be subject to investigation and a formal Complaint filed with the Ethics Commission.

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[i] Pursuant to Section 2-11.1(r) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, requestor has asked that her name be included in the published version of this opinion.

[ii] Immediate family member is defined as spouse, domestic partner, parents, stepparents, children and stepchildren. *See* Section 2-11.1(b)(9) of the County Ethics Code.

[iii] "Benefit" is defined broadly in the ethics ordinance to include a license, contract, certificate, ruling, decision, or opinion. *See generally* RQO 07-02; RQO 07-39; INQ 15-229; INQ 17-254; INQ 19-12.

[iv] In the context of its exploitation of official position precedent, the Ethics Commission has found violations of the Ethics Code where an official's status or position has been used in the course of discussions, transactions, or demands to secure a special benefit or advantage. *See e.g.*, RQO 12-05 (advising a mayor not to use his official title when advertising his private law practice because doing so could constitute exploitation of official position); *see also* INQ 16-34 (distinguishing the permissible identification of an official title from its use to promote a private business); INQ 22-145 (cautioning an official, when interacting with City staff regarding outside employment, not to represent himself as a councilmember or board member or use his public position to promote his company's services); C 25-04-01 (finding of exploitation of official position in the context of city board member who identified their official status in the course of discussions with a purported debtor). In short, even the subtle use of an official's position or title to obtain an advantage may constitute a violation of the Ethics Codes.

[v] The Doral Code defines immediate family as spouse, domestic partner, parents, stepparents, children, and stepchildren of the person involved. *See* Section 2-370 of the City of Doral Code.

[vi] Pursuant to Section 2-371(b) of the City of Doral Code, "All elected and appointed officials, city employees, and others who participate in the city's government are required to subscribe to this chapter and the conflict of interest and code of ethics ordinance codified as subsection 2-11.1 of the Code of Miami-Dade County." Thus, if your husband is successful on the date of the election, November 3, 2026, he will become an elected member of the council and must subscribe to both the Doral Ethics Code and the County Ethics Code.