

**COMMISSION ON ETHICS  
ADVISORY OPINION  
RQO 98-16**

**BACKGROUND:** You are a member of the Miami-Dade Board of County Commissioners seeking an opinion as to whether you can participate in and vote on the amended Anti-Discrimination ordinance to be considered by the County Commission at its November 5, 1998 meeting. You are the co-sponsor of this ordinance which seeks to add "sexual" orientation to the current Anti-Discrimination ordinance. You request an opinion under applicable state law as well as the applicable county ordinance.

**NARRATIVE:** You are the District Seven representative on the Miami-Dade Board of County Commissioners, having been elected to that position in October 1996. You are a partner in the Miami office of the law firm of Morgan, Lewis & Bockius, concentrating in corporate transaction law. You do not handle labor law matters, and never have in your career. Your law firm has a labor law department that handles employment discrimination matters, typically representing employers in those matters. Approximately twenty-five percent of the attorneys in the Miami office of the firm practice in the labor law area. You are co-sponsoring an amendment to the current Anti-Discrimination ordinance by adding "sexual orientation" as another class of individuals protected by this ordinance.

**ARGUMENT:** As a member of the County Commission you are covered by the Dade County Conflict of Interest and Code of Ethics Ordinance. Section 2-11.1 (d) prohibits a person included in subsection (b)(1) from voting on or participating in any way in any matter presented to the Board of County Commissioners if said person has any of the relationships described in subsections (i) and (ii) with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners and if in any instance the transaction or matter would affect the person in a manner distinct from the manner in which it would affect the public generally.

Admittedly, your law firm would be affected by this legislation to the extent that, if the amendment were adopted, your law firm would be required to abide by the amended provisions of the ordinance. Furthermore, as partner in the law firm, this section of the Code recognizes a special relationship between you and your law firm. However, the crux of this matter centers on a distinguishable benefit that you as an individual could derive from this legislative initiative. The language in the abovementioned section requires that in order for a conflict of interest to exist the amended ordinance would have to affect you in a distinct manner from the manner in which it affects the general public. The Commission on Ethics concludes that you are not uniquely affected by this amended legislation. Accordingly, your legislative duties with respect to this matter do not create a conflict of interest and you have the right to participate in and vote on this legislative matter.

**CONCLUSION:** The Commission on Ethics finds there would be no conflict of interest under the Dade County Conflict of Interest and Code of Ethics if you were to engage in your legislative duties as a County Commissioner concerning a proposed amendment to the Anti-Discrimination ordinance. The Ethics Commission does not have jurisdiction to address your question under state law.