

**COMMISSION ON ETHICS
ADVISORY OPINION
RQO-98-22**

BACKGROUND: Miami-Dade County Commissioner Jimmy Morales is seeking an advisory opinion as to whether he can participate in discussion and vote on a matter regarding a bid protest and contract award by a company represented by his law firm in labor matters.

NARRATIVE: Commissioner Morales is a partner in the law firm of Morgan, Lewis and Bockius, L.L.P. Morgan, Lewis and Bockius is a national law firm with offices in several cities including Washington, D.C. and Miami. Among the firm's Washington clients is GFC Crane Consultants. On December 1, 1998, the commission will consider a bid protest and contract award involving GFC Crane Consultants that results from a request for proposal to provide gantry crane maintenance, repair and management services at the Dante Fascell Port of Miami-Dade County. The firm represents GFC Crane Consultants in labor law matters and is not representing them in the bid protest before the county commission.

DISCUSSION: Section 2-11.1(d) of the Dade County Code prohibits Commissioner Morales from participating in discussion and voting on the bid protest and contract award involving GFC Crane Consultants. Section 2-11.1(d) provides that a commissioner may not vote or participate in any way in a matter in which he or she would or might directly or indirectly profit or be enhanced by the action of the Board and if in any instance the transaction or matter would affect the person in a matter distinct from the manner in which it would affect the public generally. Since GFC Crane Consultants is a client of the Commissioner's law firm, the Commissioner will indirectly benefit from the action of the Board. Moreover, any vote by the Commissioner under these facts will create an improper appearance of

a conflict of interest. Therefore, the Commissioner is prohibited from voting on this matter.

CONCLUSION: Section 2-11.1(d) of the Dade County Code prohibits Commissioner Morales from participating in discussion and voting on the bid protest and contract award involving GFC Crane Consultants because the Commissioner will indirectly benefit from the Board action.