



FILE COPY

February 2, 1999

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Ronald I. Saifman
Vice-President
Capital Industries Associates, Inc.
9811 N.W. 80th Avenue #7-V
Hialeah Gardens, FL 33016

RE: REQUEST FOR ADVISORY OPINION 98-26

Dear Mr. Saifman:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 29, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an opinion as to whether you are precluded from contracting with Miami-Dade County because the president of your company works for the Dade County Public Schools.

In your letter, you advised the Commission that Capital Industries Associates, Inc. is seeking certification as a Community Small Business Enterprise (CBSE) by the Department of Business Development. You further advised the Commission that Sandra Saifman, the President and Chief Financial Officer of Capital Industries Associates, Inc. is the principal's secretary at North Miami Beach Senior High School.

The Commission finds that Capital Industries Associates, Inc. is not precluded from contracting with the county because Sandra Saifman is not an employee of Miami-Dade County. Section 2-11.1(d) of the Dade County Code provides that no person included in

categories (b) (1) through (b) (6) shall enter into any contract or transact any business through a firm, corporation, partnership or business entity in which he or any member of his immediate family has a controlling financial interest, direct or indirect, with Dade County or any person or agency acting for Dade County and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. Since Saifman is not covered under the code, Capital Industries Associates, Inc. is not precluded from contracting with Miami-Dade County and being certified as a CBSE by the Department of Business Development.

Accordingly, the Conflict of Interest and Code of Ethics ordinance does not bar Capital Industries Associates, Inc. from contracting with Miami-Dade County because Sandra Saifman is not a county employee.

If you have any questions regarding the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers", with a long horizontal line extending to the right.

ROBERT MEYERS
Executive Director