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April 8, 1999

ETHICS COMMISSIONERS

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ARDYTH WALKER
STAFF GENERAL COUNSEL

[REDACTED]
Fortune Group Enterprises, Inc.
5092 N.W. 74th Avenue
Miami, FL 33166

RE: REQUEST FOR ADVISORY OPINION 99-13

Dear Mr. [REDACTED]:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 5th, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether your current position precludes you from contracting with the county.

In your letter, you advised the commission that you are fifty-percent owner of Fortune Group Enterprises, Inc. Fortune is a general contracting firm. You are also currently employed by the Minority Business Development Center, a private federally-funded firm, as a business development specialist. The firm assists small minority businesses in obtaining business loans, developing marketing plans and marketing feasibility studies. You do not contract with municipal agencies or assist firms in obtaining CBSE certification.

The commission found that Fortune Group Enterprises, Inc. is not precluded from contracting with the county because you are 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 you are not covered under the code, Fortune Group Enterprises, Inc. is not precluded from contracting with Miami-Dade County and being certified as a CBSE by the Department of Business Development.

Therefore, The Conflict of Interest and Code of Ethics ordinance does not bar Fortune Group Enterprises, Inc. from contracting with Miami-Dade County because you are 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