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December 20, 1999

Becky Schaeffer
Post, Buckley, Schuh and Jernigan
2001 N.W. 107th Avenue
Miami, Florida 33172

RE: REQUEST FOR ADVISORY OPINION 99-53

Dear Ms. Schaeffer:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on December 15, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding Anthony Clemente's appointment to the Flood Management Task Force and any conflict resulting therefrom on the on the company's current County contracts and bidding on contracts arising out of the task force's work. Clemente serves as Vice-President of Post, Buckley, Schuh and Jernigan.

In your letter, you advised the Commission that the County Manager recently appointed Clemente to serve on the Flood Management Task Force. The Task Force is charged with the responsibility of analyzing and improving the current Flood Management System in light of the county's experience during Hurricane Irene. PBSJ currently has several county contracts as well as contracts with the Army Corp of Engineers and the South Florida Water Management District. You are also concerned about whether the company can bid on

contracts arising out of the task force's work.

The Commission found that PBSJ may continue work on its existing county contracts as long as Clemente does not hold a controlling financial interest in the corporation. Section 2-11.1 (d) provides that members of task forces (defined in (b)(2) as autonomous personnel) may not enter into any contract or transact any business through a firm in which he or she 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. A controlling financial interest is defined as ten percent or more of the stock in the company. Since Clemente does not own a controlling financial interest in PBSJ, the company may continue to contract with the county.

As for contracts arising out of the task force's work, PBSJ may lawfully bid on such contracts but there may be the appearance of a conflict of interest if PBSJ bids on contracts where they have had input through the committee process on bid requirements and specifications.

Accordingly, the Conflict of Interest and Code of Ethics ordinance does not prohibit PBSJ from working on county contracts even though an employee serves on a county task force. However, there may be the appearance of a conflict of interest if PBSJ bids on contracts arising out of the task force's work.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you

have any questions regarding possible
conflicts under state law.

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 flourish extending to the right.

ROBERT MEYERS
Executive Director