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VIA FACSIMILE (305) 441-2696

November 21, 2000

Stephen S. Nuell
Nuell and Polsky
782 Northwest 42nd Avenue
Suite 345
Miami, FL 33126

RE: REQUEST FOR ADVISORY OPINION 00-169

Dear Mr. Nuell:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on November 2, 2000 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your ability to contract with the Trust to provide nurses.

In your letter, you advised the Commission that you own a controlling financial interest in Jobs2Career.com. Jobs2Career is a staffing agency that recruits and places foreign specialty nurses in local hospitals. Two doctors who work for the University of Miami Medical School and the Trust, Kushagra Katirya and Mark McKenney, also own a controlling financial interest in the corporation.

The Commission found that you are prohibited from contracting with the Trust to provide services. The doctors may contract with the county since they are not Trust employees for

the purposes of the Conflict of Interest and Code of Ethics ordinance.

The members of the Public Health Trust are covered by the Conflict of Interest and Code of Ethics ordinance. Section 25A-3(c) of the Code of Miami-Dade County provides that "(w) whenever in the Conflict of Interest ordinance reference is made to Dade County, that reference shall be deemed and construed to be a reference to the Public Health Trust; whenever in the Conflict of Interest ordinance reference is made to the Board of County Commissioners that reference shall be deemed and construed to be a reference to the Board of Trustees of the Public Health Trust and whenever in the Conflict of Interest ordinance reference is made to the Commissioners of the Board of County Commissioners, that reference shall be deemed to be a reference to the voting members of the Board of Trustees of the Public Health Trust."

The Conflict of Interest and Code of Ethics ordinance prohibits trust members, their immediate family members and employees from contracting with the county through a company. Section 2-11.1(d) provides that "no person shall enter into any contract or transact any business through a firm, corporation, partnership or business entity in which he or a member of his immediate family has a controlling financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County and any such contract, engagement or business engagement entered into in violation of this subsection shall render the transaction voidable. Immediate family is defined in the ordinance as spouse, parents and children. A controlling financial interest is defined as ten percent or more of the capital stock in the corporation. Since you are an immediate family member of a member of the Trust and own a controlling

financial interest, you may not contract to provide nurses to the Trust.

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 this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,

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

ROBERT MEYERS
Executive Director