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STAFF GENERAL COUNSEL

November 6, 2000

Richard Harris  
Staff Director  
Addiction Services Board  
111 N.W. First Street  
Suite 2210  
Miami, FL 33128

**RE: REQUEST FOR ADVISORY OPINION 00-170**

Dear Mr. Harris:

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 memorandum.

You requested an opinion regarding voting conflicts for board members.

In your letter, you advised the Commission that The Addiction Services Board consists of eighteen members of which nine are appointed from the private sector and nine are appointed from the public sector. The Board's responsibilities include advising the Board of County Commissioners regarding therapy and recovery programs in Dade County and making recommendations regarding the administration and distribution of addiction treatment and recovery funding from a variety of sources. The board's membership has traditionally included local service providers.

The South Florida Provider Coalition (SFPC) recently petitioned the County to privatize some substance abuse programs. FIU conducted a study on substance abuse services in the

county including a review of the privatization proposal. The FIU report was forwarded to the Addiction Services Board for review. The board would like to know if board members who are also members of the SFPC have a conflict of interest if they vote on matters related to the FIU report.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits members of the SFPC who are on the Addiction Services Board to vote on matters related to the FIU Study. Section 2-11.1(d) of the Code regarding voting conflicts only pertains to the Board of County Commissioners. Addiction Services board members are only prohibited under Section 2-11.1 (n) from taking official action regarding businesses in which they have a direct or indirect financial interest. A financial interest is defined as an investment or something in the nature of an investment. Since SFPC is a non-profit agency, its members would generally be allowed to vote on matters related to the report.

Therefore, the Conflict of Interest and Code of Ethics ordinance permits SFPC members who serve on the Addiction Services Board to vote on matters regarding the SFPC because the voting conflicts section of the code does not apply to advisory board members.

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", with a long horizontal flourish extending to the right.

ROBERT MEYERS  
Executive Director