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August 14, 2000

Taj Hunter
Campaign Coordinator
Miami Design Centre
4100 N.E. 2nd Avenue
Suite 311
Miami, FL 33137

RE: REQUEST FOR ADVISORY OPINION 00-133

Dear Ms. Hunter:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on August 9, 2000 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding Daniel Christopher Hall's election to the Fire Board and his current architectural contracts with the county.

In your letter, you advised the Commission that Daniel Christopher Hall is a candidate for the Fire Board in District 1. Hall's company, The Architects Hall currently has county contracts to provide architectural design services. Hall's contracts do not involve departments or matters over which the Fire Board has jurisdiction.

The Commission found that The Conflict of Interest and Code of Ethics ordinance does not prohibit Hall from retaining his county contracts if he is elected to the Fire Board. Section 18-28 of the Code of Miami- Dade County provides for a Fire Board to govern

the activities of the Miami-Dade Fire and Rescue District. The Board has jurisdiction over all Miami-Dade County fire and rescue stations and related facilities and real and personal property.

Members of the Fire Board are governed by the Conflict of Interest and Code of Ethics ordinance. Section 18-28 (g) provides that "The Metropolitan Dade County Conflict of Interest and Code of Ethics Ordinance (hereinafter referred to as the "Conflict of Interest Ordinance"), Section 2-11.1 of the Code of Metropolitan Dade County Florida shall be applicable to the members of the Fire Board only in the manner and to the extent provided. The ordinance further provides that "(w)herever 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 Fire District; wherever 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 Fire Board; and wherever 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 members of the Fire Board.

Section 18-28 (g) of the Code of Miami-Dade County provides that it is declared to be the intent of the Commission, as expressed in this subsection to provide that the Conflict of Interest and Code of Ethics ordinance shall not operate to preclude individuals from serving as members of the Fire Board on the basis of interests relating to Dade County when such interests do not conflict with the District.

Under Section 18-28(g), Hall's current contracts do not bar him from serving on the Fire Board. Further, the modified ordinance only prohibits Hall from contracting with the

Fire District to provide services and does not prohibit him from contracting with other county departments to provide services.

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