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VIA FACSIMILE (305) 374-7593

November 1, 2000

Norman Powell
Bilzin, Sumberg, Dunn, Baena, Price & Axelrod
200 South Biscayne Boulevard
Miami, FL 33131

RE: REQUEST FOR ADVISORY OPINION 00-159

Dear Mr. Powell:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on October 5, 2000 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding an employee's ability to represent a client before the Value Adjustment Board.

In your letter, you advised the Commission that your client, John Doe, is a certified public accountant. Doe has worked for the County for ten years. Doe was originally employed by the Department of Property Appraisal but has most recently worked for the County Manager's office assisting in the development and implementation of a small business program.

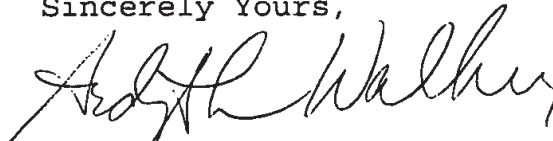
Recently, Doe received approval for outside employment to run a private accounting firm on evenings and weekends. One of Doe's private clients wants Doe to represent her before the Value Adjustment Board.

The Commission found the Conflict of Interest and Code of Ethics ordinance prohibits Doe from appearing before the Value Adjustment Board on behalf of a client. Section 2-11.1 (m) provides that no person included in the terms defined in subsections (b)(1) (5) and (6) [commissioners, departmental personnel and employees] shall appear before any County board or agency and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly in any form for services rendered to a third person who has applied for or is seeking some benefit from the County or a county agency, in connection with the particular benefit sought by the third person. Since Doe would be representing a third party before a county board, the Conflict of Interest ordinance does not permit Doe to represent a client before the Value Adjustment Board.

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) 579-2653 or Robert Meyers, Executive Director at (305) 579-2594.

Sincerely Yours,



ARDYTH WALKER
Staff General Counsel