



November 6, 2000

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Angel Gonzalez
Executive Director
Allapattah Business Development Authority
2643 N.W. 21st Terrace
Miami, FL 33142

RE: REQUEST FOR ADVISORY OPINION 00-162

Dear Mr. Gonzalez:

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 any conflicts between your work for the Allapattah Business Development Authority and a possible candidacy for the Miami City Commission.

In your letter, you advised the Commission that the Authority is a local community organization that promotes economic development in the Allapattah community. Among the Authority's projects are several low-cost housing projects which are partially funded by the county through Community Development Block Grant (CDBG) funds. The Authority is not a municipal agency.

You also advised the Commission that you would like to run for the Miami City Commission. However, you are concerned about your ability to continue to serve the organization during any tenure as an elected official and the organization's continued ability to receive county funds.

The Commission found the Conflict of Interest and Code of Ethics ordinance does not prohibit you from running for office or serving on the Miami City Commission and as Executive Director of the Authority. Section 1.05(A) of the Home Rule Charter of Miami-Dade County provides that any appointed official or employee of Miami-Dade County must take a leave of absence if they qualify as a candidate in any federal, state or municipal election. However, since the Authority is not a county agency, you do not have to take a leave of absence to run or resign if elected.

Further, the Authority may continue to receive CDBG funds from the county if you are elected. However, you may not exploit your official position to obtain special benefits for the organization or use confidential information acquired as a result of your position as elected official for the benefit of the Authority. Moreover, you may not solicit or accept funds from any City of Miami Agency or vote on any issue regarding the Authority while serving as a city commissioner.

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.

ROBERT MEYERS
Executive Director

A handwritten signature in cursive script, appearing to read "Robert Meyers".

Sincerely Yours,