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STAFF GENERAL COUNSEL

January 22, 2001

Norman C. Powell  
200 South Biscayne Boulevard  
Miami, Florida 33131

**RE: REQUEST FOR ADVISORY OPINION 00-172**

Dear Mr. Powell:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 17, 2001 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding an employee's firm'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.

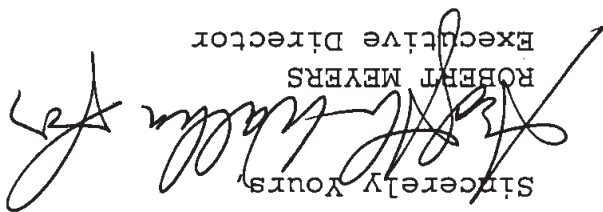
In RQO 00-159, the Commission opined that the Conflict of Interest and Code of Ethics ordinance prohibited Doe from appearing before a county board on behalf of a third

party. Doe is now seeking clarification regarding his firm's ability to appear before the Value Adjustment Board.

The Commission found that The Conflict of Interest and Code of Ethics ordinance permits Doe's associate to appear before the Value Adjustment Board but Doe cannot receive any compensation, directly or indirectly, from the representation. Section 2-11.1 (m)(1) 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 the ordinance does not prohibit an appearance by an associate, the associate or shareholder may appear. However, Doe may not receive any compensation from the representation including any portion of the fees paid to the associate.

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

Sincerely yours,  
  
ROBERT MEYERS  
Executive Director