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January 22, 2001

Ernest Morrison
 16365 S.W. 84th Place
 Miami, FL 33157

RE: REQUEST FOR ADVISORY OPINION 00-184

Dear Mr. Morrison:

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 whether your company may bid on contracts with Housing, GSA and Transit.

In your letter, you advised the Commission that Expert Lawn and Property Maintenance is a state-certified minority business. The firm is also a participant in a state program that gives preference to firms that hire public housing residents. Expert Lawn would like to bid on contracts offered by the Housing, GSA and Transit Department.

The Commission found that the Conflict of Interest and Code of Ethics ordinance permits you to contract with Housing, GSA and Transit to provide services. Section 2-11.1 (c) provides that " Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be construed to prevent any employee...from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her

immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County as long as 1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract awards or awarding the contract , and 3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance. Since your duties as a police officer do not require your participation in any aspect of any proposed contract with GSA, Housing or Transit, you may bid on and accept contracts to provide lawn and property maintenance services with these agencies.

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,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal line extending to the right.

ROBERT MEYERS
Executive Director