



March 30, 2000

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Thomas R. Lehman
Tew, Cardenas, Rebak, Kellogg, et.al.
201 South Biscayne Boulevard
26th Floor
Miami, Florida 33131

RE: REQUEST FOR ADVISORY OPINION 00-18

Dear Mr. Lehman:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 29, 2000 and rendered its opinion based on the facts stated in your memorandum.

You requested an opinion regarding your brother's ability to contract with the trust to provide auto/ truck leasing services. You do not have any interest in the company.

In your letter, you advised the Commission that your brother, William Lehman, Jr. owns William Lehman Leasing. Lehman Leasing wants to bid on a contract for auto/truck leasing which will come before the Purchasing Subcommittee of the Fiscal Affairs Committee of the Public Health Trust. You serve on the Purchasing Subcommittee but you will not participate in discussion or vote on the project. You want to know if your brother is precluded from being awarded the contract by his service on the trust.

The Commission found that the Conflict of Interest and Code of Ethics ordinance does not prohibit William Lehman Leasing from contracting with the Public Health Trust to provide auto/truck leasing services. Section 2-11.1(d) prohibits the immediate family members of trust members from contracting with the county to provide goods or services

through any corporation in which they have a controlling financial interest. Immediate family is defined in Section 2-11.1 (b) (9) as spouse, parents and children of the person involved. Section 24A-3(c) provides that "...whenever 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 Board of Trustees of the Public Health Trust." Since William Lehman is your brother, he is not immediate family as defined in the ordinance and is not precluded from contracting with the Trust 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,



ROBERT MEYERS
Executive Director