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STAFF GENERAL COUNSEL

April 17, 2000

Frank C. Rabbito  
Addiction Services Board  
111 N.W. First Street  
Suite 2210  
Miami, FL 33128

**RE: REQUEST FOR ADVISORY OPINION 00-45**

Dear Mr. Rabbito :

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 12, 2000 and rendered its opinion based on the facts stated in your memorandum.

You requested an opinion regarding the ability of board members who work for non-profit corporations to contract with the county.

In your letter, you advised the Commission that the Addiction Services Board consists of eighteen members of which nine are appointed from the private sector and nine are appointed from the public sector. The Board's responsibilities include advising the Board of County Commissioners regarding therapy and recovery programs in Dade County and making recommendations regarding the administration and distribution of addiction treatment and recovery funding from a variety of sources. The board's membership has traditionally included local service providers.

You want to know if a board member who is the President or the CEO or the staff member of a non-profit corporation has a conflict if the agency enters into a contract for the

provision of health and human services and if a board member has a conflict if the board member's relatives receive county contracts.

The Commission found that the Conflict of Interest and Code of Ethics ordinance does not prohibit board members who serve as CEOs or staff of a service provider from receiving contracts from the organization. Section 2-11.1(c) only prohibits members from contracting through firms or organizations in which they have a controlling financial interest.

However, the Conflict of Interest and Code of Ethics ordinance does prohibit immediate family members from contracting with the county. Section 2-11.1 (c) provides that " No person included in the terms defined in subsection (b) (1) through (b) (6) and in subsection (b) (9) shall enter into any contract or transact any business in which he or a member of his immediate family has a financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade county and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. An immediate family member is defined as spouse, parents or children under the ordinance. Therefore, immediate family of board members may not contract with the county to provide services.

Further, board members may have a conflict under state law. Since this opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only, board members should contact the State of Florida Commission on Ethics 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,

A handwritten signature in cursive script that reads "Robert Meyers". The signature is written in black ink and has a long horizontal line extending to the right from the end of the name.

ROBERT MEYERS  
Executive Director