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STAFF GENERAL COUNSEL

June 19, 2000

Sherwood Dubose  
President/CEO  
Miami-Metro Action Plan Trust  
19 West Flagler Street  
Mezzanine-Room 106  
Miami, Florida 33130

**RE: REQUEST FOR ADVISORY OPINION 00-97**

Dear Mr. Dubose:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on June 14, 2000 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your ability to form a company with consultants who have received funds from MMAP.

In your letter, you advised the Commission that you have formed a private company that does retail and commercial development. Two of the other principals in the development venture formerly worked as consultants for a community-based organization (CBO) that received funding from MMAP. The development company has not requested nor received any funds from MMAP. Further, the CBO has not received funds from MMAP since 1995.

The Commission found The Conflict of Interest and Code of Ethics ordinance does not prohibit You from forming a company with consultants who worked for an organization that received funds from MMAP. Section 2-11.1(c) only prohibits your firm from

contracting with the county to provide services. Therefore, your partnership does not violate the ordinance.

However, pursuant to 2-11.1(n), You may not participate in any decisions or recommend funding or other benefits to CBOs or other organizations that may directly or indirectly benefit you or your partners. Section 2-11.1(n) provides that "no person included in the terms defined in subsections (b) (1) through (6) shall participate in any official actions directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest. Therefore, you may not make funding recommendations regarding any organizations associated with his development venture or which benefit his partners.

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