

presented to the Board of County Commissioner if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee fiduciary or beneficiary or (ii) stockholder, bondholder, debtor or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b) (1) in a manner distinct from the manner in which it would affect the public generally. "Therefore, you may vote on the matter unless you have one of the prohibited relationships enumerated in the ordinance.

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 the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,



ROBERT MEYERS

Executive Director

from appearing before a subcommittee of the Public Health Trust on behalf of a third party. The Conflict of Interest and Code of Ethics ordinance applies to employees and officials of the Public Health Trust. Section 25A-3(c) of the Code of Miami-Dade County provides that "(w)henever in the Conflict of Interest ordinance reference is made to Dade County, that reference shall be deemed and construed to be a reference to the Public Health Trust; 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 and whenever in the Conflict of Interest ordinance reference is made to the Commissioners of the Board of County Commissioners, that reference shall be deemed to be a reference to the voting members of the Board of Trustees of of Trustees of the Public Health Trust." Section 2-11.1(m)(1) prohibits trust members from making a presentation on behalf of a third party. Section 2-11.1(m)(1) provides commissioners "shall not 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 or in any form, for services rendered to a third person, who has applied for or is seeking some benefit from the county or County agency, in connection with the particular benefit sought by the third person." Since the birthing program is seeking a favorable funding recommendation from the CBO subcommittee, you are prohibited from appearing on its behalf.

However, you may vote on the matter . Section 2-11.1(d) of the Code of Miami-Dade County prohibits county commissioners from voting or participating in any way in any matter



December 12, 2001

ETHICS COMMISSIONERS

Kerry E. Rosenthal, Chairperson
Charles A. Hall, Vice Chairperson
Elizabeth M. Iglesias
Knovack G. Jones
Robert H. Newman

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

Michael Lanham, Esq.
Biscayne Building
19 West Flagler Street
Suite 1102
Miami, Florida 33130

RE: REQUEST FOR ADVISORY OPINION 01-99

Dear Ms. Lanham:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on December 11, 2001 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding a presentation before a subcommittee of the Public Health Trust.

In your letter, you advised the Commission that you are an attorney whose law clerk's mother operates a mid-wife program. The mid-wife program recently opened a clinic in Little Haiti. The clinic has demonstrated the need for such a program in Little Haiti because of the high birth rate. The clinic, along with the Lions Club, has asked you to assist in making a presentation to the CBO subcommittee of the PHT. The program is requesting funding for the birthing clinic. You have agreed to make a presentation regarding the clinic to the subcommittee but will abstain from voting on the matter before the Fiscal Affairs subcommittee and the Trust.

The Commission found the Conflict of Interest and Code of Ethics ordinance prohibits Lanham