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October 24, 2002

Cheryl Kristal
Premium Coffee Service
P.O. Box 56-0991
Miami, FL 33256

RE: REQUEST FOR ADVISORY OPINION 02-122

Dear Ms. Kristal:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on October 23, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your ability to become certified as a Woman Business Enterprise (WBE).

In your letter, you advised the Commission that Premium Coffee Service is seeking certification as a WBE by the Department of Business Development. One of the stockholders, Marjorie Firestone, is a Computer Services Manager for the E-Government Department.

The Commission found Premium Coffee Services may be certified as a WBE. Premium Coffee Services may also contract with Miami-Dade County as long as Premium does not contract with the E-Government Department. Section 2-11.1 (d) provides that "Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be construed to

prevent any employee as defined in subsection (b)(6) 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 requirements or awarding the contract, and 3) the employee's job responsibilities and job description will not require him or her to be involved in the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County, if the employee works in the county department which will enforce, oversee or administer the subject contract.

Therefore, Premium Coffee Services may become certified as a Woman Business Enterprise (WBE) and contract with any department except the E-Government Department.

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) 350-0616 or the undersigned at (305) 579-2594.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers". The signature is fluid and extends to the right with a long tail.

ROBERT MEYERS
Executive Director