



March 7, 2002

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Gary L. Moore
Director Of Visual Arts
Department of Parks and Recreation
6161 N.W. 22nd Avenue
Miami, Florida 33142

RE: REQUEST FOR ADVISORY OPINION 02-16

Dear Mr. Moore:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 6, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding contracting to provide artwork for the Performing Arts Center.

In your letter, you advised the Commission that, in 1997, you were commissioned by Art in Public Places to create a piece of artwork for the Performing Arts Center. The 1997 agreement provided for you to collaborate with Cesar Pelli and Associates regarding the integration of artwork with the design of the Performing Arts Center. Subsequently, you entered into agreements with Art and Public Places to create design documents for "Pharoah's Dance" for the opera plaza at the Performing Arts Center.

In 2001, the Department of Parks and Recreation hired you to serve as Director of Visual Arts Exhibits. As Director of Visual Arts Exhibits, you are responsible for coordinating the artwork that is used in parks facilities.

Currently, Art in Public Places is entering into the final agreement with you for actual fabrication and completion of the work.

The Commission found that the Conflict of Interest and Code of Ethics ordinance permits you to contract with Art in Public Places to provide artwork for the Performing Arts Center. Section 2-11.1(c) provides that " Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be construed to prevent any employee...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 awards or awarding the contract, and 3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance. Art in Public Places and the Performing Arts Center have oversight responsibility for your contract. Since you do not work for either of these departments and the Department of Parks and Recreation does not have oversight of the contract, you may contract to complete the artwork.

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) 350-0616.

Sincerely Yours,

A handwritten signature in cursive script, reading "Robert Meyers", followed by a horizontal line extending to the right.

ROBERT MEYERS
Executive Director