



February 15, 2002

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**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

The Honorable Bruno Barreiro  
Board of County Commissioners  
District 5  
1454 S.W. First Street  
Suite 130  
Miami, FL 33135

**RE: REQUEST FOR ADVISORY OPINION RQO 02-17**

Dear Mr. Barreiro:

The Commission on Ethics and Public Trust considered your request at its meeting on February 13, 2002 and rendered its opinion based on the facts in your letter.

You requested an opinion regarding your assistant's service on the Miami Beach Housing Authority.

In your letter, you advised the Commission that Maria Beatriz Gutierrez, an assistant in your Miami Beach Office, serves as a member of the Miami Beach Housing Authority. As a member of the Miami Beach Housing Authority, you are responsible for making policy decisions regarding programs for low and affordable housing in the Miami Beach area. Housing Authority staff makes all placements and decisions regarding individuals.

As your District Assistant, Gutierrez is responsible for handling constituent matters, including housing problems, and conducting outreach with community, business and service organizations.

The Commission found that the Conflict of Interest and Code of Ethics ordinance permits Gutierrez to serve on the Housing Authority while serving as your assistant. Gutierrez may serve on the board and assist constituents with housing matters as long as her service on the board does not require her to disclose confidential information or use her position to secure special privileges for constituents. Section 2-11.1 (g) provides that no person shall use or attempt to use your official position to secure special privileges or exemptions for yourself or others". Therefore, although Gutierrez may assist the organization in navigating governmental issues but she may not use your position to help the organization achieve special privileges or exemptions that are not available to other organizations.

Further, Gutierrez may not disclose confidential information to the organization during her service on the Housing Authority. Section 2-11.1 (h) provides that no person shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his professional position, nor shall he in fact ever disclose confidential information garnered or gained through his official position with the county nor shall he use ever use such information, directly or indirectly for his personal gain or benefit.

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", with a long horizontal flourish extending to the right.

ROBERT MEYERS  
Executive Director