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March 7, 2002

Kathleen Woods-Richardson
Assistant Director of Collections Operations
Department of Solid Waste
8675 N.W. 53rd Street
Suite 201
Miami, FL 33156

RE: REQUEST FOR ADVISORY OPINION 02-24

Dear Mrs. Richardson:

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 your ability to seek economic development funding for your outside business.

In your letter, you advised the Commission that you and your husband are the owners of a mortuary business. The new business may seek economic development funding from county agencies including the Office of Community and Economic Development and the Metro-Miami Action Plan.

You are responsible for all operations of the department related to trash collection in your position with the Department of Solid Waste. You will not contract with your department.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you and your husband to contract with the county for

economic development funding. Section 2-11.1(d) only prohibits employees from contracting with their department to provide services. Section 2-11.1 (c) provides that "(n) 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. Section 2-11.1(d) prohibits employees from contracting with their department through a corporation in which the employee or a member of their immediate family has a controlling financial interest.

Since you will not contract with the Department of Solid Waste for economic development funding, you may seek economic development funding and enter into agreements for funding.

However, pursuant to Section 2-11.1(g), you may not use your official position to assist you in obtaining funding. Further, pursuant to Section 2-11.1(k), you must file the required outside employment forms with the Department of Elections.

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, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS
Executive Director