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March 7, 2002

Leslie Langbein, Esquire
Langbein & Langbein
20801 Biscayne Boulevard
Suite 506
Miami, Florida 33180

RE: REQUEST FOR ADVISORY OPINION 02-25

Dear Ms. Langbein:

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 potential conflicts between two airport contracts held by CWC & Associates.

In your letter, you advised the Commission that CWC & Associates is a subconsultant to John F. Brown Co. Inc. (Brown). Brown serves as the traffic engineer for Miami International Airport. As traffic engineer, Brown has the responsibility of studying, analyzing and reporting to the Aviation Director on financial matters, passenger traffic counts and demographic aspects related to the issuance of aviation bonds. Pursuant to the subconsultant agreement between CWC Associates and John W. Brown, CWC is contracted to provide specific studies as required. CWC has provided Brown with feasibility studies and a concession report. A subconsultant to CWC conducted the studies and CWC provided the findings to Brown.

CWC is also a subconsultant to Corrigan Associates. Corrigan is the program manager for the North Terminal Development Program at the Airport for American Airlines. As program

CWC is also a subconsultant to Corrigan Associates. Corrigan is the program manager for the North Terminal Development Program at the Airport for American Airlines. As program manager, Corrigan is responsible for overall coordination of the North Terminal program including budgeting, scheduling and planning. CWC has the task of coordinating the Community Small Business Enterprise program for Corrigan. CWC arranges trade fairs for potential minority and small business contractors and identifies minority subcontractors to meet CSBE goals.

The Commission found the Conflict of Interest and Code of Ethics ordinance does not prohibit CWC from serving as a subconsultant to Brown and Corrigan. However, CWC and the two prime contractors must take specific steps to ensure that CWC's scope of work on the two contracts do not interfere with each other. Since the airport uses Brown's work for many purposes including making decisions regarding financing of the Capital Improvement program, CWC could have a conflict if any work CWC did was used in compiling figures and data related to financing of the North Terminal program or other capital improvement projects. In that instance, CWC would have the appearance of a conflict of interest at a minimum because the conflict between the two roles could impair CWC's judgment.

In a line of opinions, the Commission has found that such potential conflicts may be avoided if the prime contractors take steps to ensure that the scope of work does not overlap. Therefore, CWC, Corrigan and Brown must carefully scrutinize work assignments to ensure that CWC does not do any work for Brown that affects the North Terminal Development program.

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,



ROBERT MEYERS

Executive Director