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May 23, 2002

Vincent Brown
Executive Director
Metro Miami Action Plan Trust
19 West Flagler Street
Mezzanine-Room 106
Miami, Florida 33130

RE: REQUEST FOR ADVISORY OPINION 02-57

Dear Mr. Brown:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on May 22, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your ability to contract with county contractors for work at your home.

In your letter, you advised the Commission that you are currently Executive Director of the Metro-Miami Action Plan Trust. The Metro-Miami Action Plan major responsibility is economic empowerment of the Black community. MMAP also sponsors criminal justice and educational programs.

You were formerly Deputy Director of the Department of Business Development (DBD). At DBD, you implemented and administered the Community Small Business Enterprise (CSBE) and Minority and Women-Owned Business Program (MWBE).

The Commission found that the Conflict of Interest and Code of Ethics ordinance permits you to contract with county contractors. However, you must ensure that you do not violate the prohibitions of Section 2-11.1(g) (Misuse of official position) or Section 2-11.1(u) (Prohibition on certain business transactions). Section 2-11.1(g) provides that "(n)o person shall use or attempt to use his official position to secure special privileges or exemptions for himself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted by hereafter to be ordained or adopted by the Board of County Commissioners. Section 2-11.1(u) provides that "no person who is serving as an elected County official or a member of the staff of an elected county official, or as County Manager, senior assistant to the County Manager or department director shall enter into a business transaction with any person or entity that has a contract with Miami-Dade county or any shareholder, partner, officer, director or employee of said contractor, unless said business transaction is an arms-length transaction in the ordinary course of business." Therefore, you must ensure that you do not receive any special terms for services provided by county contractors and that you do not use your official position to secure preferential treatment in any aspect of the contract.

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.