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STAFF GENERAL COUNSEL

July 9, 2002

Todd Jackson
670 N.E. 122nd St #2
North Miami, FL 33162

RE: REQUEST FOR ADVISORY OPINION 02-69

Dear Mr. Jackson:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on June 27, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts created by your application for a small business loan from the Metro Miami Action Plan (MMAP).

In your letter, you advised the Commission that you and a partner are the owners of a pest control company. You and your partner are seeking a small business loan of fifty thousand dollars from MMAP. MMAP sponsors loan programs, business incubators and technology assistance programs for minority businesses.

MMAP loan agreements are county contracts. The terms of the loan documents provide that Miami-Dade County will provide the funds, subject to audit by the county and the Inspector General, and the borrower will repay Miami-Dade County. The company's assets are the collateral for the loan.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you and

your partner to seek and receive a loan from MMAP. Section 2-11.1 (c) permits a county employee to contract to receive funds unless the employee works for the department that will administer the funds.

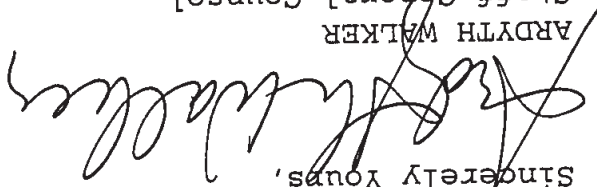
Section 2-11.1 (c) provides that " Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be construed to prevent any employee...from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member 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.

Since you do not work for MMAP and the Clerk of Courts will not have any oversight responsibility for the contract, you may apply for and receive funds from MMAP.

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) 350-0616 or Robert Meyers, Executive Director at (305) 579-2594.

Sincerely yours,



ARDYTH WALKER

Staff General Counsel