



July 23, 2003

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The Honorable Dr. Barbara Carey-Shuler
Chairperson
Board Of County Commissioners
111 N.W. First Street
Suite 220
Miami, Florida 33128

RE: REQUEST FOR ADVISORY OPINION 03-115

Dear Dr. Carey-Shuler:

I received your request for an advisory opinion and I am rendering my opinion based on the facts contained in your memorandum. You requested an opinion as to whether you are required to recuse yourself from voting on transit matters because your son is an employee of the Miami-Dade Transit Agency.

In your memorandum, you stated that your son, Archibald Carey, is a Technical Systems Analyst/Programmer II in Miami-Dade Transit Information Technology Services. In Mr. Carey's capacity as a Technical Systems Analyst, he writes, manages and administers transit applications for transit departments. Your son is not involved in budget, policy or administration for the Transit Agency.

The Conflict of Interest and Code of Ethics ordinance permits you to vote on transit matters despite your son's employment with the Transit Agency. Section 2-11.1(d) of the Code of Miami-Dade County prohibits county commissioners from voting or participating in any way in any matter presented to the Board of County Commissioner if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County

Commissioners: (i) officer, director, partner, of counsel, consultant, employee fiduciary or beneficiary or (ii) stockholder, bondholder, debtor or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally. Any commissioner who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the Board of County Commissioners shall absent himself or herself from the commission meeting during the discussion of the subject item and shall not vote on or participate in any way in said manner.

Since you would not have any of the prohibited relationships with the Transit Agency and you would not be uniquely affected by decisions regarding the Transit Agency, the Conflict of Interest and Code of Ethics ordinance permits you to vote on matters regarding the Transit Agency.

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 the 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