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December 11, 2003

Jewel Anderson
15171 S.W. 156 Terrace
Miami, FL 33187

RE: REQUEST FOR ADVISORY OPINION 03-177

Dear Ms. Anderson:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on December 10, 2003 and rendered its opinion based on the facts stated in your request.

You requested an advisory opinion pertaining to any possible conflicts any possible conflicts related to your husband's cleaning service company doing business with Miami-Dade County.

You are employed as an officer with the Corrections Department. Your husband owns a professional cleaning business and is interested in having the company transact business with the County.

The Conflict of Interest and Code of Ethics Ordinance only prohibits your husband's cleaning company from contracting with the Corrections Department. Firstly, spouses under Section 2-11.1 (b)(9) are considered "immediate family" under the Code of Ethics. Section 2-11.1(d), "Further prohibitions on transacting business with the County" prohibits employees or their immediate family from contracting with their department through a corporation in which they have a controlling financial interest. However, Section 2-11.1 (c), "Prohibition on transacting business within the County" 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.

Accordingly, the company is prohibited from transacting business with the Corrections Department or participating in a contract where your job duties would require oversight or administration of a contract involving your husband's cleaning company. Otherwise, the company may contract with the County.

This opinion construes the Miami-Dade County 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 should you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call Christina Prkic, Staff Attorney at (305) 350-0615 or the undersigned at (305) 579-2594.

Sincerely Yours,



ROBERT MEYERS
Executive Director