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STAFF GENERAL COUNSEL

June 16, 2003

Asrick Smith  
Security Max, Inc.  
4767 N.W. 183<sup>rd</sup> Street  
Miami, FL 33055

**RE: REQUEST FOR ADVISORY OPINION 03-84**

Dear Mr. Smith:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on June 12, 2003 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your firm's ability to become certified as a Community Small Business Enterprise and contract with Miami-Dade County to provide security services.

The Commission found that Security Max may become certified as a Community Small Business Enterprise and contract with any department except the Public Health Trust. 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. Accordingly, Security Max may become certified as a Community Small Business Enterprise and contract with all county departments except the Public Health Trust.

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,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS  
Executive Director