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VIA FACSMILE (305) 275-0801

June 14, 2004

Maria Herrera
The Miami Group
11445 s.w. 74TH Street
Miami, FL 33173

RE: REQUEST FOR ADVISORY OPINION 04-115

Dear Ms. Herrera:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on June 10, 2004 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your ability to receive grant funds from Miami-Dade County. You have been awarded a grant for your small business..

In your letter, you advised the Commission that Miami-Dade County operates a Mom and Pop Grant Program for small businesses. The Mom and Pop program provides financial and technical assistance to small businesses. The Miami Group, a Management and Public Affairs business applied for a grant from the program. You are the owner of the Miami Group. After a competitive selection process, you were awarded a grant of five thousand dollars. In order to receive the grant, you must execute a contract with the Urban Revitalization Task Force.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you to contract with the county to receive grant

funds. Section 2-11.1(c)(3) provides that " notwithstanding any provision to the contrary herein, subsections © and (d) shall not be construed to prohibit any person defined in subsection (b)3) (quasi-judicial personnel) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the board member or a 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 a member of a community zoning appeals board, you are quasi-judicial personnel for purposes of the Conflict of Interest and Code of Ethics ordinance. Therefore, you may contract with Miami-Dade County to receive funds for the Herrera Group.

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,



ROBERT MEYERS
Executive Director