



**FILE COPY**

**ETHICS COMMISSIONERS**

Kerry E. Rosenthal, CHAIRPERSON  
Gail A. Dotson, VICE CHAIRPERSON  
Seymour Gelber  
Dawn E. Addy  
Brenda Rivera

ROBERT A. MEYERS  
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI  
ADVOCATE

ARDYTH WALKER  
STAFF GENERAL COUNSEL

January 27, 2006

Dr. Mae Bryant  
Assistant County Manager  
Office of the County Manager  
111 N.W. First Street  
29<sup>th</sup> Floor  
Miami, FL 33128

**RE: REQUEST FOR ADVISORY OPINION 05-140**

Dear Dr. Bryant:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 26, 2006 and rendered its opinion based on the facts stated in your request.

You requested an opinion regarding any conflicts between your service as a department director and serving as a member of the board to Vision to Victory, Inc.

In your request, you advised the Commission that you were recently appointed to the position of Assistant County Manager. You also serve as Vice President of Vision to Victory. Vision to Victory is a human services agency that provides service in the areas of child care, adult care services for senior citizens, educational services, health care education, specialized services in employment, housing and education and residential and outpatient treatment for substance abuse. The agency has eleven members on its board of directors. In your capacity as Vice-President, you serve as a member of the Executive Committee, as an ex-

officio member of all board Committees and assists the president in conducting the business of the Corporation. You are not compensated for your service on the board. Vision to Victory has twelve paid staff members including a full-time Executive Director.

The Commission found that the Conflict of Interest and Code of Ethics ordinance permits you to serve as Assistant County Manager and as Vice-President of Vision to Victory. The Conflict of Interest ordinance prohibits you from using your position to benefit Vision to Victory, making appearances on behalf of the agency or disclosing any confidential information to the agency. Section 2-11.1 (g) provides that no person... shall use or attempt to use your official position to secure special privileges or exemptions for yourself or others". Therefore, you may not use your position to help the organization achieve special privileges or exemptions that are not available to other organizations.

Further, you may not disclose confidential information acquired as a result of your county employment. Section 2-11.1(h) provides that "no person... shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his professional position, nor shall he in fact ever disclose confidential information garnered or gained through his official position with the county nor shall he use ever use such information, directly or indirectly for his personal gain or benefit. Accordingly, you are prohibited from disclosing confidential information.

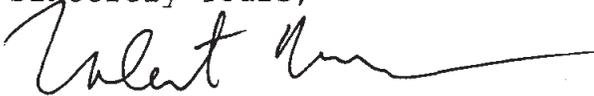
Finally, Section 2-11.1(m) (1) prohibits you from making appearances before any county personnel, board or agency on behalf of Vision to Victory. Section 2-11.1(m) (1) provides that "no person included in the

terms defined in subsections (b) (1), (b) (5) and (b) (6) (Commissioners, departmental personnel and employees) shall appear before any County board or agency and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise or other benefit sought by the third person.". Therefore, you may not attend meetings or speak to county personnel regarding any matters related to Vision to Victory.

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