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April 27, 2005

Norma Armstrong
Department of Procurement Management
111 N.W. First Street
13th Floor
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION 05-34-43

Dear Ms. Armstrong:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 27, 2005 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether an employee may serve on a selection committee where his department director is submitting a proposal.

In your letter, you advised the Commission that the Department of Procurement Management recently issued a Request for Proposals for a Developer for Part I of the Scott Homes Development of the Hope VI Project. The Developer will market, construct and finance 52 homes in Sector 1 of the Scott Homes.

The Miami-Dade Empowerment Zone Trust is one of the proposers for the project. The Empowerment Zone Trust is a 501(c)(3) corporation organized to administer and oversee spending of empowerment zone funds. The Empowerment Zone is organized as a independent agency with the power to own and acquire property; to contract debts and

secure the payment or performance of its obligations; to receive and administer federal, state and local funding designated for empowerment and enterprise communities, to enter into contracts with persons, firms and governmental entities and to hire a president and CEO to conduct the day to day administration of the zone and implement the Empowerment Zone's strategic plan.

Bryan Finnie, Director of the Office of Community and Economic Development (OCED), serves as Chief Executive Officer of the Empowerment Zone. Bryan Gillis, an OCED employee, has been selected for the selection committee.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits Gillis to serve as a member of the Selection Committee. Although Section 2-11.1(d) would prohibit a person from voting on a matter involving an employer, the section only applies to members of the Board of County Commissioners or a member of a Community Zoning Appeals Board. Further, Section 2-11.1(v) (Voting Conflicts-Quasi-Judicial Boards and Advisory Boards) does not apply to Gillis as a member of a selection Committee.

Section 2-11.1(n) (Actions prohibited when financial interests involved) does prohibit an employee from taking action where their financial interests are involved but it is limited to circumstances where an employee or a member of their family holds stock in a corporation seeking official action. Since the Empowerment Zone Trust is a non-profit corporation, Section 2-11.1(n) would not apply in this situation. Accordingly, the Conflict of Interest ordinance does not prohibit Gillis from serving as a member of a selection committee.

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

cc: Amos Roundtree