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STAFF GENERAL COUNSEL

May 26, 2006

The Honorable Bruno Barreiro  
Board of County Commissioners  
District 5  
1454 S.W. First Street  
Suite 130  
Miami, FL 33135

**RE: REQUEST FOR ADVISORY OPINION RQO 06-38**

Dear Commissioner Barreiro:

The Commission on Ethics and Public Trust considered your request at its meeting on May 25, 2006 and rendered its opinion based on the facts in your letter.

You requested an opinion regarding your parents' purchase of property from a county lobbyist.

In your letter, you advised the Commission that your parents are in the process of purchasing property from a county lobbyist. The seller's spouse is also a county vendor.

The Commission found the Conflict of Interest ordinance permits your parents to purchase property from a county lobbyist and a county vendor as long as it is an arms-length transaction and your parents are paying market value for the property. Section 2-11.1(g) prohibits you from using your official position to secure a special benefit

for yourself or others.<sup>1</sup> However, a conflict or an appearance of a conflict will not be created as long as it is an arms-length transaction.

Further, you are not barred from taking any action regarding the lobbyist or his spouse as a result of your parents' purchase of the property. Section 2-11.1(d) permits you to vote on matters as long as you do not have any of the relationships enumerated in the section or you would not be uniquely affected wby the decision. Section 2-11.1(d) prohibits a Commissioner "from voting or participating in any way in any matter presented to the Board of County Commissioner if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee fiduciary or beneficiary or (ii) stockholder, bondholder, debtor or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally." Since you will not have any of these relationships with the lobbyist as a result of this transaction, you are not prohibited from voting on matters involving the lobbyist or his spouse.

Therefore, your parents may purchase property from a county lobbyist and vendor as long as the sale is an arms-length transaction.

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

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<sup>1</sup> Section 112.3148, Florida Statutes similarly prohibits the Commissioner or any member of his immediate family from accepting a gift from a lobbyist with a value of over one hundred dollars.

have any questions regarding possible  
conflicts under state law.

If you have any questions regarding this  
opinion, please call Ardyth Walker, Staff  
General Counsel at (305) 350-0616 or the  
undersigned at (305) 579-2594.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers", with a long horizontal line extending to the right.

ROBERT MEYERS  
Executive Director