

July 14, 2006

William Anido  
Parsons Brinckerhoff  
7300 Corporate Center Drive  
Suite 600  
Miami, FL 33126

**RE: REQUEST FOR ADVISORY OPINION RQO 06-41**

Dear Mr. Anido:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 13, 2006 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether Sharpton Brunson can provide financial services to the Program Management Consultant team for the People's Transportation Plan. Sharpton serves as Chair of the Miami-Dade Expressway Authority (MDX) and on the Metropolitan Planning Organization (MPO).

In your letter, you informed the Commission that Sharpton Brunson is a member of the Program Management Consultant team for the People's Transportation Plan. The Program Management Consultant has been asked to provide financial management services to the Transit department including a uniform cost tracking system that can be integrated into the financial systems used by Transit and Parsons Brinckerhoff; a change order tracking system; programmatic performance standards; contract reviews; financial planning; analysis and report of sources and uses of

funding; periodic audits and reviews of costs incurred (including review of supporting documents such as timesheets, invoices and other reimbursable costs).

Darryl Sharpton, the principal in charge of the agreement, is the Chair of the Miami-Dade Expressway Authority (MDX). MDX is an entity created under state law to acquire, hold, construct, improve, maintain, operate, own and lease an expressway authority. MDX is responsible for the operation of State Road 924 (Gratigny Parkway), State Road 112 (Airport Expressway), State Road 874 (Don Shula Expressway) and State Road 878 (Snapper Creek Expressway). MDX has the rights to property that may be used in some PTP projects including the Earlington Heights-MIC project which will link the Earlington Heights Metrorail Station to the Miami Intermodal Center at MIA.

Sharpton also sits on the Metropolitan Planning Organization (MPO) board as the MDX representative. The Metropolitan Planning Organization (MPO) is an entity mandated by state and federal law to develop transportation plans and programs for metropolitan areas. The MPO Governing Board is comprised of the entire Board of County Commissioners as well as representatives from the Miami-Dade County School Board, several local municipalities and officials from the Florida Department of Transportation. The MPO is responsible for developing long-range capital plans and coordinating transit services and projects. The PTP implements the 20-year transportation plan already adopted by the MPO. However, the MPO may occasionally take action that impacts the PTP. Further, the MPO has the right to access the services of PTP consultants and funds.

The Commission found that Darryl Sharpton may provide financial services to the Program Management Consultant for the People's Transportation Plan despite his service as

MDX Chair and MPO Board Member. However, Sharpton may have to recuse himself from voting on financial matters (such as the sale of property or use of PTP consultants) regarding the PTP under state voting conflicts law. Therefore, Sharpton must seek an opinion from the Florida Ethics Commission regarding any voting conflicts arising from his service on MDX.

Further, Sharpton must provide the Ethics Commission with a quarterly report, beginning with the quarter following the issuance of the first work order, regarding any PTP matters brought before MDX and whether he participated in discussion and voted on the matter. Finally, Sharpton is prohibited from disclosing any confidential information acquired as a result of his position or using his official position to benefit any party or entity.

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: Darryl Sharpton  
Albert Hernandez, Miami-Dade Transit