

**ETHICS COMMISSIONERS**

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

**ROBERTA. MEYERS**  
**EXECUTIVE DIRECTOR**

**MICHAEL P. MURAWSKI**  
**ADVOCATE**

**ARDYTH WALKER**  
**STAFF GENERAL COUNSEL**

VIA FACSMILE (757) 627-1113

July 14, 2006

Darrell Beatley  
Principal  
Transystems Corporation  
150 Boush Street  
Suite 1000  
Norfolk, VA 23510

**RE: REQUEST FOR ADVISORY OPINION 06-42**

Dear Mr. Beatley:

On July 13, 2006, the Ethics Commission issued a formal opinion regarding your request for opinion. The Commission did not make any changes to the draft opinion issued on June 28, 2006. Please find attached a copy of the formal opinion.

SINCERELY YOURS,

/1 4

1 Ardyth Walker  
STAFF GENERAL COUNSEL

cc: Gyselle Saner, Seaport

VIA FACSMILE (757) 627-1113

**ETHICS COMMISSIONERS**

**Kerry E. Rosenthal, CHAIRPERSON**  
**Gaff A. Dotson, VICE CHAIRPERSON**  
**Seymour Gelber**  
**Dawn E. Addy**  
**Breads Rivera**

**ROBERTA. MEYERS**  
**EXECUTIVE DIRECTOR**

**MICHAEL P. MURAWSKI**  
**ADVOCATE**

**ARDYTH WALKER**  
**STAFF GENERAL COUNSEL**

*July 14, 2006*

Darrell Beatley  
Principal  
Transystems Corporation  
150 Boush Street  
Suite 1000  
Norfolk, VA 23510

**RE: REQUEST FOR ADVISORY OPINION 06-42**

Dear Mr. Beatley:

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 Transystems may provide engineering services to Seaport tenants while providing Capital Development Services to the Seaport.

In your request, you advised the Commission that Transystems is currently providing engineering services to the Seaport under a Capital Development contract. Transystems' responsibilities include consultation on tenant improvements, port infrastructure projects, Florida State Ports Authority initiatives and port access facility operations. Transystems is also developing a tariff schedule for recovery of various security costs.

Transystems was recently requested to provide engineering services to several port tenants. The Port of Miami Terminal Operating Company

(POMTOC) requested services for the layout and design of Overhead Rail Mounted Gantry Crane System in the POMTOC yard. The scope of work entails a study between various gantry crane systems that may be used by POMTOC. The work includes a cost comparison between the various systems. The actual cost of the capital development will be shared with the Seaport. The work is slated to begin in July.

Seaboard Marine is seeking a study of Planning Services and Development Engineering Support for Alternative Container Yard Configurations.

Florida East Coast Railroad (FEC) is seeking planning services, study and engineering services in connection with providing the Port of Miami with On Dock Rail Service.

Transystems may provide services to Seaport tenants but the Seaport must carefully monitor any planning studies or assessment of stakeholder needs with the company's planning work for port tenants.

In the instant case, under the Commission's prior analysis, the proposed scope of work under the POMTOC agreement would not constitute a conflict of interest. The scope of work requires the firm to make a proposal between various gantry crane systems. The scope does not conflict with the scope of work under the capital development contract.

The proposed scope of work for Seaboard Marine, FEC Railroad, P&L Towing and Transportation should not create a conflict of interest under the outstanding work orders for the capital development program. However, the Seaport should monitor the outside agreements to ensure that planning studies for port tenants does not overlap or conflict with planning studies or other work under the capital development program.

Accordingly, Transystems may provide engineering services to Seaport tenants. However, the Seaport must carefully monitor its work orders with work for Port tenants to ensure that there is no overlap between planning work for Seaport tenants and planning work under the capital development program.

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) 350-0616.

Sincerely Yours,

Robert Meyers  
EXECUTIVE DIRECTOR

cc: Gyselle Saner, Seaport