October 2, 2006

Scott Mendelsberg
Assistant Director for Budget and Planning
Miami-Dade Fire Rescue Department
9300 N.W. 41rst Street
Miami, FL 33178

RE: REQUEST FOR ADVISORY OPINION RQO 06-53

Dear Mr. Mendelsberg:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 27, 2006 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts created by your serving on the board of the Firefighers Wellness Center.

In your letter, you informed the Commission that IAFF Local 1403 currently governs the Firefighter's Wellness Center and the Department of Fire Rescue assists with day-to-day management of the center and program oversight by providing a fulltime Fitness Coordinator. The Wellness Center provides physical therapy, rehabilitation services for job-related injuries and annual physicals for department employees. Revenue is generated through subsidies provided through the collective bargaining agreement, reimbursement for physicals, worker's compensation and other insurance payments and subsidies from the Fire Rescue District.

A new Board of Directors was recently created that includes department directors from the Miami-Dade Department of Fire Rescue, Risk Management, Office of Strategic Budget Management, Miami-Dade Fire Rescue's Medical Director, the Local 1403 President and a representative of UM Medical School. The articles of incorporation specifically provide that the Chief Financial Officer for the Department of Fire Rescue should serve in an ex-officio capacity.

The Commission found that the Conflict of Interest and Code of Ethics ordinance permits you to serve on the Board of Directors of the Wellness Center. The agreement between Miami-Dade County and the Union regarding the operation of the Wellness Center contemplates that representatives of the department will sit as members of the board. Under that agreement, the Chief Financial Officer for the Miami-Dade Fire Rescue Department sits as a member of the board in an ex-officio capacity. Since your service on the Wellness Center board is an extension of your official duties, the Conflict of Interest and Code of Ethics ordinance permits the service.

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