



FILE COPY

May 18, 2007

Walter Harvey
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Miami, FL 33131

ETHICS COMMISSIONERS

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Staff General Counsel

RE: REQUEST FOR ADVISORY OPINION 07-11

Dear Mr. Harvey:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on May 17, 2007 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether the Early Learning Coalition may retain a consultant to provide services on a project for the Children's Trust. The consultant is currently providing services to the Trust on a related project. Pursuant to the Children's Trust by-laws and procurement policies, all board members and contractors are governed by the Conflict of Interest ordinance.

In your letter, you stated The Children's Trust recently issued an Invitation to Negotiate (ITN) for a Quality Rating Improvement System. The Quality Rating Improvement System is part of a national movement to develop quality standards and ratings for child-care centers. The scope of services covers three broad areas: QRIS Management, QRIS Program Assessment and QRIS Training and Technical Assistance. The design for the system was developed during a series of local meetings with stakeholders during early 2006. The draft standards provided with the ITN also include standards developed by a statewide coalition during the summer of 2006.

The Early Learning Coalition has a subcontractor, Jean Layzer, who is providing services to the Children's Trust through ABT Associates. ABT Associates currently has a contract with the Children's Trust to finalize the elements of the Quality Rating Improvement System. Layzer has provided background information to the Children's Trust regarding QRIS systems nationwide and the specific elements that are included, coordinated the initial stakeholder meetings regarding design of the local system and developed a questionnaire for local child-care providers. The contract will expire on May 31, 2007.

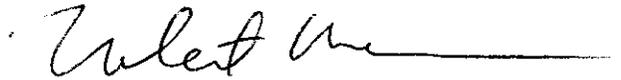
The Ethics Commission found the Early Learning Coalition may retain the services of Layzer to provide the contemplated services under the ITN. The services contained in the ITN are a continuation of the services provided by Layzer to the Children's Trust under the ABT agreement. Section 2-11.1(j) restricts persons covered by the Conflict of Interest and Code of Ethics ordinance from doing work that conflicts with their independence of judgment in performing their County responsibilities. Pursuant to that section of the Conflict of Interest and Code of Ethics ordinance, the Ethics Commission has delineated certain areas including overlapping responsibilities that would impair a contractor's independent judgment in the performance of its duties.

The scope of services contemplated under the ITN does not conflict with the services that Layzer is providing to the Children's Trust. The services under the ITN (management, assessment of facilities and training and technical assistance) will implement the Trust's prior work on the Quality Rating Improvement System. Therefore, Layzer may serve as a subconsultant for the Early Learning Coalition on the Quality Rating Improvement System.

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,

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

ROBERT MEYERS
Executive Director

cc: Charles Auslander, The Children's Trust