



FILE COPY

February 28, 2008

Maria Fernandez
8211 S.W. 45th Street
Miami, FL 33155

ETHICS COMMISSIONERS

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EXECUTIVE DIRECTOR

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ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

RE: REQUEST FOR ADVISORY OPINION 08-04

Dear Ms. Fernandez:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on February 27, 2008 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether your husband may contract with the county to provide services.

In your request, you advised the Commission that your spouse, Steven Zelenka, runs a sports business that provides batting cages to playgrounds and sports facilities. The Department of Parks and Recreation recently issued a solicitation for a firm to provide batting cages to county parks and recreation facilities. Steven Zelenka and his partner would like to bid on the contract. You are employed by the Department of Parks and Recreation as an Account Clerk.

The Ethics Commission found that your husband's company may contract to provide services to the Department of Parks and Recreation as long as he does not own a controlling financial interest in the corporation. Section 2-11.1(d) provides that "(n)o person included in the terms in subsections (b)(1) through (b)(6) shall contract or transact any business through any a firm, corporation or business entity in which he or she or any member of his immediate family has a controlling financial interest." A controlling financial interest

is ten percent or more of the corporation. Immediate family members are defined as spouse, parents and children. As long as your husband does not own ten percent of the stock in the corporation, he may contract to provide services to the Department of Parks and Recreation.

This opinion construes the Miami-Dade County Conflict of Interest and Code of Ethics ordinance only. Please contact the Florida Commission on Ethics if you have questions regarding any 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 black ink, appearing to read 'Robert Meyers', with a long horizontal flourish extending to the right.

ROBERT MEYERS
Executive Director