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STAFF GENERAL COUNSEL

September 26, 2008

Fred P. Dowding  
Executive Project Manager  
Air Transport IT Services  
6675 Westwood Boulevard  
Suite 210  
Orlando, Florida 32821

**RE: REQUEST FOR ADVISORY OPINION RQO 08-43**

Dear Mr. Dowding:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 15, 2008 and rendered its opinion based on the facts stated in your request.

You requested an opinion regarding whether you may hire the son of an Aviation employee to work on an Aviation contract.

In your request, you advised the Commission that Air Transport IT Services has a maintenance contract for the AOIS system with the Aviation Department. AOIS is a document management system. Air Transport IT Services recently hired Surain Ananian to serve as one its employees at Miami International Airport. Ananian has undergone specialized training in the AOIS system. Air Transport IT Services want to hire Ananian on a full-time basis but his father is currently employed in the Information Technology Division at MIA. Ananian's father was not involved in his hiring or training and will not oversee him if he is hired as an employee for the contractor. Ananian and his father will work different shifts although the father and son

may have interaction on some projects or assignments.

The Commission found that the Conflict of Interest and Code of Ethics ordinance permits a county contractor to hire Ananian to work in the same department as his father. The Conflict of Interest ordinance only prohibits immediate family members from contracting with a department if the company has a family member that has a controlling financial interest. Since Ananian does not have a controlling financial interest in AIR IT, the contract and the employment is not forbidden by the Conflict of Interest and Code of Ethics ordinance.

Further, the County's nepotism policy does not apply to the hiring of Ananian to serve as a contractor's employee in the same department where his father works. The nepotism policy only prohibits departmental personnel (Manager, department directors, assistant directors, deputy directors and other supervisory personnel involved in personnel decisions) from hiring, promoting or recommending for employment family members as defined under the state ethics law.<sup>1</sup> Since Ananian's father is not involved in appointment, employment or promotion of Air IT employees, Ananian may be employed by Air It under the County's nepotism policy.

Accordingly, you may hire Ananian to work for Air IT at Miami International Airport because it does not violate the Conflict of Interest ordinance or the county's nepotism policy.

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

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<sup>1</sup> State law defines family as father, mother, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepsiblings, stepchildren and half-siblings.

State of Florida Commission on Ethics if you  
have any questions regarding possible  
conflicts under state law.

If you have any questions regarding the  
opinion, please call the undersigned at (305)  
579-2954 or Ardyth Walker, Staff General  
Counsel at (305) 350-0616.

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