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October 1, 2009

ETHICS COMMISSIONERS

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EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

Marc Douthit
P.O. Box 531197
Miami, FL 33153

RE: REQUEST FOR ADVISORY OPINION-RQO 09-35

Dear Mr. Douthit:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 30, 2009 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any voting conflicts created by a contract with an entity for whom you are a consultant.

In your letter, you advised the Commission that you are a trustee for the Metro-Miami Action Plan (MMAP). You also serve as a consultant for Social Compact, Inc. Social Compact is currently in negotiations with MMAP to provide services. You did not participate in initiating the contract between MMAP and Social Compact and were not aware of the negotiations until after you became a trustee. You will not benefit, directly or indirectly, from any agreement between MMAP and Social Compact.

The Commission found that the Conflict of Interest and Code of Ethics ordinance permits you to participate in discussion and vote on matters related to Social Compact. Section 2-11.1(v) provides that no advisory board member "shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves and the

relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary, or beneficiary; or (ii) stockholder, bondholder, debtor or creditor." You are directly affected by the agreement if you will receive payment from contract proceeds, additional responsibilities, or other benefits as a result of the contract between MMAP and Social Compact.

As long as you will not be directly affected by any vote, although you have one of the enumerated relationships with Social Compact, you may participate in discussion and vote on the contract.

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 black ink, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS
Executive Director