



**FILE COPY**

May 20, 2010

**ETHICS COMMISSIONERS**

Kerry E. Rosenthal, CHAIRPERSON  
Dawn E. Addy, VICE CHAIRPERSON  
Judge Seymour Gelber

ROBERT A. MEYERS  
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI  
ADVOCATE

ARDYTH WALKER  
STAFF GENERAL COUNSEL

Dr. James Bierfeld  
Associate Chief Medical Officer  
Jackson South Community Hospital  
9333 S.W. 152<sup>nd</sup> Street  
Miami, FL 33157

**RE: REQUEST FOR ADVISORY OPINION 10-15**

Dear Dr. Bierfeld:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on May 19, 2010 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether you may contract to provide office space to Jackson South Community Hospital.

In your letter, you advised the Commission that you currently serve as Associate Chief Medical Officer of Jackson South Community Hospital. You also own office space adjacent to the hospital which the hospital utilizes for an employee health office. The lease was entered into prior to your employment as Associate Chief Medical Officer. The current lease will terminate on July 25, 2010.

The Commission found you may not contract with Jackson South Community Hospital to provide office space. Section 2-11.1(c) prohibits employees with contracting with their department. Section 2-11.1(c) provides that no person... shall enter into any contract or transact any business in which he or a member of his immediate family has a financial interest, direct or indirect, with Miami-Dade County or any person or agency

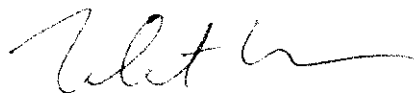
acting for Miami-Dade County. The ordinance further states that "Notwithstanding any provision to the contrary herein, subsection c and d shall not be construed to prevent any employee as defined in subsection (b) (6) [excluding departmental personnel as defined by subsection (b) (5) or his or her immediate family as defined in subsection (b) (9) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest with Miami-Dade County, as long as 1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract requirements or awarding the contract, 3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her family member to enter into a contract with Miami-Dade County or any person or agency acting for Dade County if the employee works in the county department which will enforce, oversee or administer the subject contract. Since Jackson South administers your contract, you are unable to contract to provide office space.

Please be advised that Section 2-11.1(d) permits the Board of County Commissioners to waive this conflict under certain circumstances. Any appeal must be filed with the Ethics Commission (with a copy to the Clerk of the Board) within ten days of receipt of this opinion. You should contact the County Attorney's Office if you have questions regarding this procedure.

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", written in black ink.

ROBERT MEYERS  
Executive Director