

REQUEST FOR OPINION CHECKLIST

Request for Opinion

Dated: 5/16/03

Investigative File

Draft Opinion

Notification to requestor of hearing before commission:

Scheduled for _____ at _____ m; or No _____

Commission Action: _____

Final Opinion Letter. Mailed on: _____; or

Final Disposition: _____



COUNTY ATTORNEY
MIAMI-DADE COUNTY, FLORIDA

BCC: Arayth
Walker

111 N.W. 1 ST., SUITE 2810
MIAMI, FLORIDA 33128-1993
TEL. (305) 375-5151
FAX (305) 375-5634

May 22, 2003

Mr. Frank Hall, Jr.
Managing Director
2750 North 29th Avenue; Suite 202
Hollywood, Florida 33020

RE: Request for Opinion

Dear Mr. Hall:

You advise that you have an interest in a financial firm which has been serving as a co-financial advisor under a contract with Miami-Dade County for some time. Your firm's work under its contract has been limited to airport-related financing transactions, and no work is contemplated thereunder which would involve the recently adopted transit system surtax.

Several weeks ago, you were appointed to the Citizens' Independent Transportation Trust ("CITT"). The CITT oversees the expenditure of transit system surtax proceeds.

You have asked the General Counsel of the Miami-Dade County Commission on Ethics and Public Trust for an opinion as to whether you firm's pre-existing contractual relationship as described above precludes you from serving on the CITT. The General Counsel's office has forwarded this matter to this office for a response as to whether you are eligible to serve on the CITT.

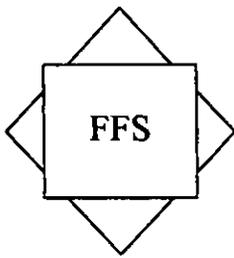
The CITT Ordinance provides "No person shall be eligible to serve as a member of the Trust who has any interest, direct or indirect, in a contract with the County" Sec. 2-1421(a). Your firm's contract with Miami-Dade County falls within the interests proscribed by the foregoing language. Accordingly, I am of the opinion that you are not eligible to serve on the CITT.

Very truly yours,

Robert A. Ginsburg
Miami-Dade County Attorney

RAG/mh

cc: Honorable Betty T. Ferguson
County Commissioner
District 1



RQO 03-79

FIDELITY FINANCIAL SERVICES, L.C.
INDEPENDENT FINANCIAL ADVISOR

May 13, 2003

Ardyth Walker, Esquire
Staff General Counsel
Miami-Dade County Commission
on Ethics and Public Trust
19 West Flagler Street
Miami, Florida 33128

Re: Request for Conflict of Interest Opinion

Dear Ms. Walker:

This letter is a formal request for an opinion as to whether an inherent conflict of interest exists between my service on the Miami-Dade Citizens Independent Transportation Trust and a pre-existing contractual relationship my firm has with Miami-Dade County. More specifically, I have been appointed to serve on the Miami-Dade County Citizens Independent Transportation Trust. Prior to this appointment, my firm, Fidelity Financial Services, was selected and currently serves as a co-financial advisor for Miami-Dade County restricted to municipal financing transactions of the Aviation Department.

As you may be aware, Miami-Dade County selected financial advisors for three "segments." One segment is the aviation segment, and financial advisors selected for this segment are restricted to rendering advice exclusively on airport-related municipal financing transactions. Another segment is the seaport segment, and financial advisors selected for this segment are restricted to rendering advice on municipal financing transactions concerning the seaport and county utilities. The third segment is designated as the "general" segment, and financial advisors selected for this segment are restricted to rendering advice on municipal financing transactions not involving the airport, seaport or municipal utilities.

Again, Fidelity Financial Services' service to Miami-Dade County as a financial advisor is restricted to the aviation segment. Presently, the financial advisor role in the aviation segment does not include providing any services to the Miami-Dade County Citizens Independent Transportation Trust or within the Trust's jurisdiction.

Please confirm whether I am precluded from serving on the Miami-Dade County Citizens Independent Transportation Trust solely because of a pre-existing contractual relationship with Miami-Dade County, which relationship is restricted to providing financial advice on municipal financing transactions for aviation activities. If you require additional information, please let me know. I may be contacted by phoning (954) 925-5699.

Very truly yours,



Frank Hall, Jr.
Managing Director