

Meyers, Robert (COE)

W 03-95

To: ROYSTER5@aol.com

Subject: RE: opinion

IND 03-95

Mr. Bustillo,

Thank you for providing me with the information, which will enable our office to render opinions for you. Per our discussion, I indicated that the first question must be forwarded to the Ethics Commission and will be heard at our meeting on October 22, 2003. I advised you that I would be able to handle the second question internally.

Regarding your second question, you state that you are a 5% owner of a Florida Coast Lighting (FCL), which is in position of contracting directly with the Port of Miami. As a community council member, you are bound by the County Code of Ethics and Conflict of Interest Ordinance which bars elected officials from contracted with the County when the officials or their immediate families own a controlling financial interest in the firm seeking to do business with the County. The term controlling financial interest is defined as an ownership interest, direct or indirect, of 10% or more. Given your circumstances, there appears to be no conflict of interest under the Code.

With respect to your first question, you will receive a written response from within a day or two after the meeting of the 22nd. If you wish to attend the meeting, it will be held in Suite 220 of our building and the meeting is scheduled to start at 10:30 a.m., with the requests for opinion coming at the beginning of the meeting.

If you have any other question, please do not hesitate to contact me.

Thanks,

Robert Meyers

-----Original Message-----

From: ROYSTER5@aol.com [mailto:ROYSTER5@aol.com]

Sent: Friday, October 10, 2003 3:01 PM

To: Meyers, Robert (COE)

Subject: opinion

Mr. Meyers,

Thank you for taking the time to speak to me yesterday on a couple of issues, following is my written request for official opinions on the two items:

1 - Items that come before Community Council 11 that have anything to do with Century Builders.

I want to know if there is any conflict of interest in me participating in any items that come up before Community Council 11 that have anything to do with Century Builders, the reason for the question is due to the following:

A. I am associated with an Engineering firm (Mainstreet Engineering) that performs lighting levels certifications for some of Century builders projects. I get compensated by Mainstreet Engineering for performing some of the work. The billing and payments are done directly between Century builders and Mainstreet Engineering. I do not have any controlling interest in Mainstreet Engineering.

B. Century builders, as any other builder, requests quotes from Electrical Distributors and Electrical Contractors for lighting fixture for their projects. As I explained to you, I am an independent contractor working for a company called Municipal Lighting Systems, Inc. (in which I am part owner) that represents various lighting fixture manufacturers in the South Florida market, as a lighting representative I am able to provide thru electrical Distributors and Electrical contractors certain lighting fixtures to Century Builders, this is done thru a bidding process.

Please provide me with an official response, my next Zoning meeting is November 5th.

2 - Selling lighting fixtures directly to the Port of Miami using a company called Florida Coast Lighting (FCL).

I want to know if there is any conflict of interest or violations by doing transactions between the County and Florida Coast Lighting.

A. I own 5% of the stock in Florida Coast Lighting, I am also listed as the V.P. FCL is used in certain occasions as a distributor in order to buy and sell lighting fixtures.

B. The reason the Port wants to buy from FCL instead of the Electrical Contractor is that they will save on the taxes.

C. The jobs in question were put out to formal bids by the port and the electrical contractor was picked from said bids

Thank you again for your time.

Regards,

Roy Bustillo
Community Council 11