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October 14, 1999

Carey L. Rawlinson, Jr., AICP
Acting Assistant Director for Planning
Department of Planning and Zoning
111 N.W. First Street
Suite 11-310
Miami, Florida 33128

RE: REQUEST FOR ADVISORY OPINION 99-43

Dear Mr. Rawlinson:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on October 13, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding fund-raising activities by the Department of Planning and Zoning on behalf of Habitat for Humanity.

In your letter, you advised the Commission that the Department of Planning and Zoning is considering volunteering as a department to assist in construction of a home for Habitat for Humanity. The activity is voluntary and will occur on Saturdays. The project requires the department to solicit funds from businesses to defray construction expenses. The contributions would be made directly to the organization. Some of the businesses contacted for contributions conduct business with the department.

The Commission found that The Conflict of Interest and Code of Ethics ordinance permits the department volunteers to construct the home and solicit funds from private

contributors to underwrite the costs but the department should refrain from soliciting money from contractors of the department and other parties who are currently doing business with the department. Section 2-11.1(e)(3) permits employees to solicit funds for a charitable organization. Therefore, the employees may seek private financial assistance to defray the cost of the construction of the home. However, the department should seek contributors outside of department vendors and persons doing business with the department because it creates the appearance of a conflict of interest.

Please be advised that the Commission on Ethics advisory opinion is only applicable to the Miami-Dade County Conflict of Interest Ordinance and not the State of Florida Code of Ethics. Any questions regarding interpretation of the state Code of Ethics should be referred to the State of Florida Commission on Ethics.

If you have any questions regarding the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,

A handwritten signature in cursive script, reading "Robert Meyers", followed by a horizontal line extending to the right.

ROBERT MEYERS
Executive Director