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September 19, 2000

Mark Lynch  
ATC Associates, Inc.  
9955 N.W. 116 Way  
Suite I-5  
Miami, FL 33178

**RE: REQUEST FOR ADVISORY OPINION 00-149**

Dear Mr. Lynch:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 12, 2000 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding ATC Associates, Inc.'s (ATC) ability to serve as a subcontractor to Odebrecht Construction on the 8-26 North runway project.

In your letter, you advised the Commission that ATC Associates, Inc. (ATC) is an environmental, geotechnical and materials engineering firm that has performed limited geotechnical and environmental testing in areas covered by the 8-26 North Runway project. The information was used by the design engineer of record in the North Terminal project to develop the design and bid specifications for the runway project.

ATC wants to know if they may know serve as a subconsultant to Odebrecht on the same project providing Construction Quality Control Materials Testing Inspections and limited environmental cleanup services.

The Commission found that The Conflict of Interest and Code of Ethics ordinance does not prohibit ATC from serving as a subconsultant to Odebrecht Construction on the same project performing different functions. However, the Conflict of Interest and Code of Ethics ordinance prohibits ATC from disclosing any confidential information acquired from its former work related to the project to Odebrecht Construction or any other person or firm.

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) 579-2653.

Sincerely Yours,

A handwritten signature in dark ink, appearing to read "Robert Meyers", written in a cursive style.

ROBERT MEYERS  
Executive Director