



July 26, 2000

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P.O. Box 592075

ROBERT A. MEYERS

Miami, Florida 33159

EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI

RE: REQUEST FOR ADVISORY OPINION 00-72

ADVOCATE

ARDYTH WALKER

Dear Ms. Sanchez:

STAFF GENERAL COUNSEL

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 25, 2000 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding an exhibition of an employee's artwork.

In your letter you advised the Commission that the MIA gallery has planned a fall exhibit showcasing the sculpture of Emilio Martinez, a well-known local sculptor. Martinez is an employee in the media section of the Aviation Department. Martinez would not be compensated for the exhibition and would not contract with the gallery to display his works.

The Commission found that the Conflict of Interest and Code of Ethics ordinance does not prohibit you from displaying Martinez' work at the gallery. Section 2-11.1 (c) provides that "No person included in the terms defined in subsection(b)(1) through (6) and in subsection 9 (b)(9) 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." You may display Martinez' work because he is not contracting or transacting business with the county.

Further, based upon the information provided, there is no evidence that you exploited your official position by offering Martinez the opportunity to display his work at the gallery. Section 2-11.1 (g) provides that no person shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or others. Although Martinez will receive a benefit from the exhibition, there is no evidence that you exploited your position in offering Martinez the opportunity to participate in the exhibition.

Therefore, the Conflict of Interest and Code of Ethics ordinance does not prohibit you from displaying Martinez' work because the gallery will not contract with Martinez and you did not exploit your official position in offering Martinez the exhibition.

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 the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,



ROBERT MEYERS
Executive Director