



July 26, 2000

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Tom Przbylski
Director
Materials Management
Public Health Trust
1611 N.W. 12th Avenue

RE: REQUEST FOR ADVISORY OPINION 00-98

Dear Mr. Przbylski:

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 a Trust contract with your fiancée's employer.

In your letter and supporting documents, you advised the Commission that your fiancée has worked as a clinical educator for the Eclipse Corporation since January of 2000. The Eclipse Corporation manufactures and sells YAG lasers and peripheral supplies which are used in performing transmyocardial re-vascularization.

Your responsibilities at the Trust include purchase and receipt of supplies and equipment. You notified the Trust at the time that your fiancée began employment with the Eclipse Corporation and removed yourself from any purchasing decisions regarding products of the company.

Subsequently, the Surgical Health Center and the Purchasing Subcommittee made a recommendation to purchase the YAG laser from Eclipse Surgical Technologies. Rosa

Constanza, Associate Director of Materials Management at the Trust, assumed oversight of the purchasing process. You are concerned about any potential conflicts if the Trust enters into a contract to purchase the YAG laser.

The Commission found, based on the facts stated in your letter, that the Conflict of Interest and Code of Ethics ordinance does not prohibit the Public Health Trust from entering into a contract with a company that employs the fiancée of a Trust employee. Section 2-11.1 (d) provides that no employee shall enter into any contract or transact any business through a firm, corporation, partnership or business entity in which he or any member of his immediate family has a controlling financial interest, direct or indirect, with Dade County or any person or agency acting for Dade County. Immediate family is defined by the ordinance as spouse, parents and children. Based on the facts stated in the request for opinion, the company may contract with the Trust to provide the YAG laser since your fiancée is not immediate family as defined in the ordinance. However, Section 2-11.1(d) would govern any contracts entered into after marriage.

Therefore, the Conflict of Interest and Code of Ethics ordinance does not prohibit the Public Health Trust from contracting with the Eclipse Corporation because your fiancée is not immediate family as defined in the ordinance.

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 cursive script, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS
Executive Director