

participation does not violate the Conflict of Interest and Code of Ethics 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 Ardyth Walker, Staff General Counsel at (305) 350-0616 or the undersigned at (305) 579-2594.

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

finances. Your husband receives no compensation of any kind from the business.

The audit raised questions about your husband's continuing material participation in the affairs of the restaurant and any remaining conflict issues.

The Ethics Commission has previously considered this matter in two opinions. In RQO 98-19, the Ethics Commission found that Levant's husband could not contract with the county to provide services. In RQO 99-09, the Ethics Commission found that the transfer of ownership to Raoul Artiles cured the conflict and Artiles could operate the restaurant.

The Commission found that the Conflict of Interest and Code of Ethics does not prohibit your husband from participating in restaurant operation. The Conflict of Interest and Code of Ethics ordinance only prohibits your husband from having a controlling financial interest in the restaurant. Section 2-11.1(d) of the Dade County Code provides that no person included in categories (b)(1) through (b)(6) shall enter into any contract or transaction, 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 and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable." According to the corporate records, your husband does not have any financial interest in R.A. Kitchens. Since your husband does not receive compensation for his services, he does not have an indirect financial interest in the business. Since Levant does not have a controlling financial interest, direct or indirect, in the restaurant, his



VIA FACSIMILE (305) 529-1188

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ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

October 15, 2001

Maria Levrant
District Coordinator
District Seven
Board of County Commissioners
2000 S.W. 27th Avenue
Suite 102
Miami, Florida 33145

RE: REQUEST FOR ADVISORY OPINION 01-113

Dear Mrs. Levrant:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on October 11, 2001 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflict of interest created by her husband's participation in the operation of a restaurant formerly owned by the couple.

In your letter, you advised the Commission that the Department of Audit and Management Services recently conducted an audit of the Pickle Barrel Restaurant at the Richard E. Gerstein Building. The Pickle Barrel is operated by R.A. Kitchens which is owned by Raoul Artiles. Artiles is your nephew. Your husband, Artiles' predecessor in interest, sold his interest in the restaurant in 1999 to cure an existing conflict of interest. Currently, your husband is employed by Avis Rent A Car. You did not retain any financial interest in the business although he continues to handle the books and the