facilities. Magenheimer previously worked with Fightertown, Inc, an Opa-Locka Airport subtenant, in relocating from the Fort Lauderdale Executive Airport to the Opa-Locka facility. Magenheimer did not negotiate the lease rates paid by Fightertown.

The Commission found the Conflict of Interest and Code of Ethics ordinance does not prohibit the Aviation Department from retaining Magenheimer to provide assistance with the audit. Since Magemheimer's prior work did not involve negotiation of the lease and the rates paid by Fightertown to MEA, Magenheimer's prior work for Fightertown should not impair his ability to provide assistance to the Aviation Department in establishing industry standards. Section 2-11.1(j) would only prohibit Magenheimer from consulting with the Aviation Department if his prior work would impair his ability to be impartial and render independent judgments.

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,

ROBERT MEYERS

Executive Director



ETHICS COMMISSIONERS

Kerry E. Rosenthal, Chairperson Charles A. Hall, Vice Chairperson Elizabeth M. Iglesias Knovack G. Jones Robert H. Newman

ROBERT A. MEYERS

MICHAEL P. MURAWSKI ADVOCATE

ARDYTH WALKER STAFF GENERAL COUNSEL

December 12, 2001

Michelle Raymond Division of Aviation Properties Miami-Dade County Aviation Department P.O. Box 592075 Miami, FL 33159

RE: REQUEST FOR ADVISORY OPINION 01-114

Dear Ms. Raymond:

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

You requested an opinion regarding a proposed contract with Andy Magenheimer of Slack and Johnston. Magenheimer previously worked for one of the tenants at Opa-Locka Airport.

In your letter, you advised the Commission that Miami Executive Aviation (MEA) is a fixed based operator at Opa-Locka Airport. MEA collects rents and other fees from subtenants at the Opa-Locka Airport. The Department of Audit and Management Services is currently conducting an audit of lease rates at Opa-Locka Airport. One of the issues in the audit is the industry standard for subtenant rates. The Aviation Department would like to retain Andy Magenheimer of Slack and Johnston to provide consultant services regarding the industry standard for subtenant rates. Magenheimer provides real estate consulting services for the Aviation Department at all of the general aviation