

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers". The signature is fluid and extends to the right with a long, sweeping tail.

ROBERT MEYERS
Executive Director

contract. Wingarter is bidding to serve on the Construction Inspection Services for the Northside Runway project.

Wingarter Laboratories has a prior relationship with Gilbert Southern. Gilbert Southern is the prime contractor on the Northside Runway project. Wingarter served as a subcontractor to Gilbert Southern on the construction of a sewer pipeline and a MIA middle project. Wingarter has also served as a subcontractor to Gilbert Southern on several Florida Department of Transportation projects. The firms are not currently working on any projects together.

The Commission found the Conflict of Interest and Code of Ethics ordinance does not prohibit Wingarter Laboratories from serving as a member of the Construction Inspection Services (CIS) team. Although Wingarter may serve as a member of the CIS team, the firm's long-standing business relationship with the prime consultant may impair their independent judgment in the performance of their duties on the CIS team. Therefore, Wingarter's duties should be limited to testing and Wingarter should not have a management role on the CIS team.

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.



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ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

November 28, 2001

Roger A. Wingerter
President
Wingerter Laboratories
1820 N.E. 144th St.
North Miami, FL 33261

RE: REQUEST FOR ADVISORY OPINION 01-125

Dear Mr. Wingerter:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on November 27, 2001 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts between your firm's current inspection work on the Northside Runway project and serving as a member of the Construction Inspection Services team.

In your letter, you advised the Commission that the Aviation Department recently issued a Request for Proposals for firms to provide construction inspection services for the Northside Runway. The services include administration assistance scheduling, construction phase inspections and final inspections during the closeout phases of construction. The services shall also include project management and coordinating daily inspections. The Construction Inspection Services team should include specialized inspectors including civil, mechanical, electrical (airfield lighting), airfield equipment, drainage and plumbing to perform inspections commencing in January, 2002.

Wingerter Laboratories is currently providing inspection services on the Northside Runway project under a miscellaneous services