

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

Dade County or any person or agency acting for Miami-Dade County as long as 1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract awards or awarding the contract, and 3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County if the employee works in the county department which will enforce, oversee or administer the subject contract."

Since the Department that will administer the contract currently employs you, you may not contract to provide data analysis services. However, the Public Health Trust may waive the conflict. The Trust may waive an employee's conflict if the Trust finds that the requirements of the Conflict of Interest ordinance regarding contracting for a county employee have been met and that the proposed transaction will be in the best interest of the County.

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 this 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.

You fall within the definition of employee and are covered by the ordinance.

The Conflict of Interest and Code of Ethics ordinance applies to Public Health Trust employees. Section 25A-3 (c) of the Code of Miami-Dade County provides that "(w) whenever in the Conflict of Interest and Code of Ethics ordinance reference is made to Dade County, that reference shall be deemed and construed to be a reference to the Public Health Trust; whenever in the Conflict of Interest and Code of Ethics ordinance reference is made to the Board of Trustees of the Public Health Trust and whenever in the Conflict of Interest ordinance reference is made to the Board of Commissioners that reference shall be deemed and construed to be a reference to the Board of Trustees of the Public Health Trust."

Section 2-11.1(d) provides that no person shall enter into any contract or transact any business through a firm, corporation, partnership or business entity in which he or a member of his immediate family has a controlling financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County and any such contract, engagement or business arrangement entered into in violation of this subsection shall render the transaction voidable."

Section 2-11.1 (c) provides that " Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be construed to prevent any employee...from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-



January 10, 2002

**ETHICS COMMISSIONERS**

Kerry E. Rosenthal, Chairman  
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**ROBERT A. MEYERS**  
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**MICHAEL P. MURAWSKI**  
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STAFF GENERAL COUNSEL

J.P. Baar  
Strategic Management Analysis Reporting Team  
8701 S.W. 86<sup>th</sup> Court  
Miami, FL 33143

**RE: REQUEST FOR ADVISORY OPINION 01-146**

Dear Mr. Baar:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 9, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your ability to contract with the trust.

In your letter, you advised the Commission that you are the owner of SMART, a healthcare economics and data analysis company. You have submitted a bid to provide data analysis services to the Division of Managed Care over a three-year period. You are currently providing data analysis services to the Department of Managed Care as a temporary employee. You revealed your temporary employment at the time that you submitted your bid. You will resign your temporary employment if SMART is awarded the contract.

The Commission found The Conflict of Interest and Code of Ethics ordinance prohibits you from contracting with the Trust. However, the Trust may waive the conflict. You are covered by the ordinance under Section (b)(6)(employees). An employee is defined under the ordinance as "all other salaried personnel employed by the County." Although you are a temporary employee, you receive a regular salary from the county. Therefore,