

decisions of the Department of Environmental Resources Management (DERM).

The Commission found the Conflict of Interest and Code of Ethics ordinance does not prohibit Pistorino from appearing before the EQCB as an expert witness. Section 2-11.1(q) restricts former elected county officials, senior staff, departmental personnel and employees from lobbying county officials for a period of two years after they leave county service. Section 2-11.1(q)(1) does not apply to members of advisory boards. Therefore, Pistorino may appear before the EQCB as an expert witness on behalf of Trafalgar Associates.

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) 579-2653 or the undersigned at (305) 579-2594.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal line extending to the right.

ROBERT MEYERS  
Executive Director



April 5, 2001

**ETHICS COMMISSIONERS**

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**RE: REQUEST FOR ADVISORY OPINION 01-37**

Dear Mr. Welbaum:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 4, 2001 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether a client, Mr. Pistorino, a former advisory board member, may testify before his former board as an expert witness.

In your letter, you advised the Commission that Trafalgar Associates, Inc., a residential developer, has requested Pistorino's service as an expert witness before the Environmental Quality Control Board (EQCB). Pistorino will testify regarding dynamic compaction, seawall design and construction matters. Pistorino served on the EQCB from the late 1980's until he resigned in 2000.

The Environmental Quality Control Board is charged with the responsibility of hearing and making judgments regarding requests for variances and extensions of time of the county's environmental requirements, approval of interim water treatment plants, appeals of persons or businesses aggrieved by actions or