



**ETHICS COMMISSIONERS**

Kerry E. Rosenthal, Chairman  
Robert H. Newman, Vice Chairman  
Gail Dotson  
Dawn Addy  
Elizabeth M. Iglesias

**ROBERT A. MEYERS**  
EXECUTIVE DIRECTOR

**MICHAEL P. MURAWSKI**  
ADVOCATE

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

October 24, 2002

Walter Harvey  
Steel, Hector and Davis  
200 S. Biscayne Boulevard  
Suite 4000  
Miami, FL 33131

**RE: REQUEST FOR ADVISORY OPINION 02-129**

Dear Mr. Harvey:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on October 23, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding potential voting conflicts.

In your letter, you advised the Commission that you are an associate at Steel, Hector and Davis and a member of the Public Health Trust. On occasion, a current or former client of the firm will appear before the trust. You are seeking an opinion as to whether you are prohibited from voting on these matters.

The Commission found the Conflict of Interest and Code of Ethics ordinance prohibits you from hearing matters involving current clients of the firm. You may hear matters involving former clients.

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

Section 2-11.1(d) provides that no person included in the term defined in subsection (b)(1) shall vote on or participate in any way in any matter presented to the Board of County Commissioners if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary or (ii) stockholder, bondholder, debtor or creditor, if any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally. Any person included in the term defined in subsection (b)(1) who has any of the above relationships of who would or might , directly or indirectly profit or be enhanced by the action of the Board of County Commissioners shall absent himself or herself from the commission meeting during the discussion of the subject item and shall not

vote on or participate in any way in said matter.

Accordingly, you are prohibited from voting or participating in any way on any matter involving a client of the firm. Although you are an associate, every client of the firm is still your client. Therefore, you would be of counsel to the person appearing before you and would be prohibited from voting or participating in any matter involving a client of the firm.

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 line extending to the right.

ROBERT MEYERS  
Executive Director