

April 18, 2002

Esther de la Fuente  
111 N.W. First Avenue  
Suite 220  
Miami, Florida 33128

**RE: REQUEST FOR ADVISORY OPINION RQO 02-32  
Esther de la Fuente Conflict of Interest**

Dear Mrs. De la Fuente:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 17, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your husband's ability to contract with a county owned facility to provide catering services.

In your letter, you advised the Commission that your husband owns fifty percent of Eating Well, L.L.C.. Eating Well has a catering contract with the Helen Sawyer Senior Center. The Helen Sawyer Senior Center is a county-owned facility. Eating Well contracted with the facility in January, 2001. You and your husband were married in May, 2001.

The Commission found that the Conflict of Interest and Code of Ethics ordinance permits your husband to continue his present contract with the Helen Sawyer Senior Center because he entered into the contract prior to your marriage. 2-11.1 (d) provides that "no person included in the terms defined in subsections

(b) (1) through (6) and in subsection (b) (9) shall enter into a 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, agreement or business engagement entered in violation of this subsection shall render the transaction voidable." Immediate family is defined in the ordinance as spouse, parents and children. Since the contract was entered into prior to the marriage, the provisions of 2-11.1(d) do not apply. Section 2-11.1(d) only prohibits new agreements. Accordingly, your husband may not amend or extend the existing agreement because such a transaction would violate the provisions of 2-11.1(d).

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 the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

ROBERT MEYERS  
Executive Director