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STAFF GENERAL COUNSEL

May 23, 2002

Robert Morrison  
Cinfinity  
12774 S.W. 209<sup>th</sup> Lane  
Miami, FL 33177

**RE: REQUEST FOR ADVISORY OPINION 02-59**

Dear Mr. Morrison:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on May 22, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding Cinfinity's ability to contract with the county.

In your letter, you advised the Commission that Cinfinity is a multimedia company that does graphic design, web design, video production and film production. The company has four equal partners. Marlon Johnson, one of the partners, has a mother who works as Senior Executive Secretary to Fire Chief Charles Phillips. Johnson's stepfather works as Enforcement Division Chief for the Department of Environmental Resource Management (DERM). The company would like to contract with the county to provide services to departments other than the Department of Fire Rescue and DERM.

The Commission found that The Conflict of Interest and Code of Ethics ordinance permits Cinfinity to contract with the county to provide services as long as they do not

contract with the Department of Fire Rescue and DERM. 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 or his or her immediate family 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-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 member 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 department which will enforce, oversee or administer the contract. Immediate family is defined in the ordinance as spouse, parents and children. Therefore, continuity is only prohibited from contracting with the Department of Fire Rescue and DERM.

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,

A handwritten signature in cursive script, appearing to read "Robert Meyers", followed by a long horizontal line extending to the right.

ROBERT MEYERS  
Executive Director