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July 26, 2002

Joan Schaeffer
Assistant Administrator
South Florida AIDS Network
1611 N.W. 12th Avenue
Miami, Florida 33136

RE: REQUEST FOR ADVISORY OPINION 02-87

Dear Ms. Schaeffer:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 25, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflict between your position with the Public Health Trust and your position with the Miami Behavioral Health Center.

In your letter, you advised the Commission that the South Florida AIDS Network is a department within the Public Health Trust. As Assistant Administrator, you are responsible for contract and grants management for the South Florida AIDS Network. The South Florida AIDS Network is in the Ambulatory Services Division of the Public Health Trust.

You also serve as a board member for the Miami Behavioral Health Center. The Miami Behavioral Health Center is a community health center. The center provides crisis stabilization or Baker Act services for the

Public Health Trust. The Public Health Trust also refers patients to the center for follow-up outpatient care. The Nursing Services division of the Public Health Trust administers the mental health agreements. As a board member, you are not involved in any aspect of contract administration for the Miami Behavioral Health Center. The board only provides guidance on goal-setting and policy matters.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you to serve as a Public Health Trust employee and a board member for the Miami Behavioral Health Center. Since you do not have any responsibility for contracts between the center and the trust and a different division of the trust handles the contracts, you may serve in both capacities. However, you may not disclose confidential information or use your official position to secure special privileges for the South Florida Behavioral Health Center.

You may not use your position to secure special privileges or exemptions for the organization. Section 2-11.1 (g) provides that no person... shall use or attempt to use your official position to secure special privileges or exemptions for yourself or others". Therefore, you may not use your position to help the organization achieve special privileges or exemptions that are not available to other organizations.

Further, you may not disclose confidential information to the organization during your service on the Board of Directors. Section 2-11.1 (h) provides that no person... shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his professional position, nor shall he in fact ever disclose confidential information garnered or gained

through his official position with the county nor shall he use ever use such information, directly or indirectly for his personal gain or benefit. Therefore, you may not disclose confidential information acquired through your work with the Public Health Trust to the Miami Behavioral Care Center.

Accordingly, the Conflict of Interest and Code of Ethics ordinance permits you to serve as Assistant Administrator for the South Florida AIDS Network and the Miami Behavioral Health Care Center. Since you do not work in the division that administers any agreements between the Miami Behavioral Care Center and the Public Health Trust, there is no conflict between the two roles. However, you may not disclose confidential information or use your official position to obtain special privileges for the Center.

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 or bar rules. 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,



ROBERT MEYERS
Executive Director