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July 10, 2003

Mike Rodriguez  
President  
Rodriguez Architects  
2121 Ponce De Leon Boulevard  
Suite 1010  
Coral Gables, FL 33134

**RE: REQUEST FOR ADVISORY OPINION 03-108**

Dear Mr. Rodriguez:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 9, 2003 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether your personal compliance with state financial disclosure requirements satisfies the county requirement for financial disclosure by architectural and engineering firms.

In your letter, you advised the Commission that Rodriguez Architects provides architectural services to Miami-Dade County. Pursuant to Section 2-11.1.(1)(2)(4), all persons and firms providing professional services as defined by section 2-10.4 of the Code of Miami-Dade County are required to file financial disclosure. Section 2-10.4 defines professional services as "those services within the scope of the practice of architecture, professional engineering, landscape architecture or registered land

surveying as defined by the laws of this state."

You serve as a gubernatorial appointee to the State Board of Architecture and Design. As a board member, you have filed personal financial disclosure with the State of Florida.

The Commission found that the Conflict of Interest and Code of Ethics ordinance requires the firm to file a separate financial disclosure form regarding the finances of the architectural firm. Section 2-11.1(i)(4) provides that all persons or firms providing professional services as defined by Section 2-10.4(1)(a) and (b) of the Code of Miami-Dade County to Miami-Dade County or any municipalities, their agencies or instrumentalities, shall comply with the filing requirements of subsection (i)(1) above within ninety days of the effective date hereof. All persons or firms subsequent to the effective date of this section, which engage in competitive negotiation with Miami-Dade County or any of its municipalities, their agencies or instrumentalities under and pursuant to Section 2-10.4 of the Code of Metropolitan Dade County shall comply with the reporting requirements of subsection (i)(1) of this section within thirty days of execution of a contract arising out of said competitive negotiations and prior to any payments from said County, municipalities or other agencies or instrumentalities. Section 2-11.1(i)(1) requires the filing of either: a) a copy of the person or firm's current federal income tax return; b) a current certified financial statement or c) a itemized source of income statement. Section 2-11.1(i)(1) also states that compliance with state requirements satisfies the requirements of the county ordinance.

Although Section 2-11.1(i) states that satisfaction with state requirements satisfies the requirements of the ordinance,

a firm and a principal must file separate forms. The Statement of Financial Interests provided by you will not reflect the financial health of your firm. Therefore, the filing of financial disclosure forms by you does not meet the disclosure requirements by 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 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", with a long horizontal flourish extending to the right.

ROBERT MEYERS  
Executive Director