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STAFF GENERAL COUNSEL

October 23, 2003

Roy Bustillo  
14237 S.W. 45<sup>th</sup> Street  
Miami, FL 33175

**RE: REQUEST FOR ADVISORY OPINION 03-163**

Dear Mr. Bustillo:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on October 22, 2003 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding a possible voting conflict.

In your letter, you advised the Commission that Century Builders has an item pending before Community Council #11. You are an independent lighting contractor and you have business relationships with two firms, Mainstreet Engineering and Municipal Lighting Systems, who do business with Century Builders. Mainstreet Engineering performs lighting level certifications for some Century projects. You occasionally perform the certifications and are compensated by Mainstreet for the work. Municipal Lighting Systems represents several lighting fixture manufacturers in the South Florida market. As consultant and part owner to Municipal Lighting Systems, you will occasionally submit bids to Century Builders for Municipal Lighting Systems.

The Commission found you may not vote on matters involving Century Builders. Since you serve as a consultant or an employee to companies that may be directly affected by the vote, you are prohibited from voting on matters involving Century Builders. Section 20-45 provides that a community council member is prohibited from voting or participating in any way in any matter presented to the Community Council on which the member serves if the member 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 Community Council on which the member serves: i) officer, director, partner, of counsel, consultant employee, fiduciary or beneficiary; or ii) stockholder, bondholder, debtor or creditor if in any instance the transaction or matter would affect the Community Council member in a manner distinct from the manner in which it would affect the public generally. Any Community Council member who has any of the above relationships and who would be or might be enhanced by the action of the Community Council on which the member serves shall absent himself or herself from the Community Council meeting during the discussion of the subject item and shall not vote on or participate in any way in said matter. You are prohibited from voting on any matter involving Century Builders because you serve as an employee or a consultant to businesses that may be directly affected by the community council's decision.

In the event that you sever any business relationship, direct or indirect, with Century Builders, you may vote on and participate in discussions related to Century Builders.

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