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February 28, 2003

Deborah Viera-Rodriguez
MIS Director
Department of Water and Sewer
3071 S.W. 38th Avenue #336
Miami, Florida 33146

RE: REQUEST FOR ADVISORY OPINION 03-18

Dear Ms. Viera-Rodriguez:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on February 27, 2003 and rendered its opinion based on the facts stated in your letter.

You requested an opinion as to your ability to serve on a Technical Advisory Committee or a selection committee when a former employer has submitted a proposal.

In your request, you advised the Commission that IBM is one of the proposers for the project. You worked for IBM from 1977-1981 in the Miami office. You were responsible for marketing support in the government, education, medical and Edge Acts bank territories. You have worked for the County in various capacities since 1981. You also own four shares of stock in IBM.

The Technical Advisory Committee advises the Selection Committee on various technical

issues including software functionality, hardware capability, conversion and interface issues and platform issues. The Technical Advisory Committee reviews and analyzes proposals for technical merit only. The members of the Technical Advisory Committee do not vote.

Members of selection committees are required to submit a neutrality affidavit regarding any potential conflicts of interest. The form requires members to disclose any prior employment for any entity for the project under consideration. The form also requires members to disclose any financial interest held by themselves or an immediate family member in any entity seeking work on the project.

The Commission found that the Conflict of Interest and Code of Ethics ordinance permits you to serve as a member of the Technical Advisory Committee. Since you own a de minimis amount of IBM stock and your IBM employment was more than 20 years ago, you are permitted to serve on the committee.

Section 2-11.1(n) prohibits employees from taking action when their financial interests are involved. Section 2-11.1(n) provides that no person included in the terms defined in subsection (b) (1) through (6) shall participate in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest.

In RQO 00-181, the Commission opined that a community council member could vote on a matter when she owned three hundred shares of stock in a company seeking action by the council. The Commission found that the member's de minimis stock ownership rendered any financial gain so remote and speculative that a vote would not financially benefit the member.

Similarly, you own a de minimis amount of IBM stock and any financial gain from your decision is remote. Further, due to the length of time since your employment with IBM, you are unlikely to take official action or make decisions based on your prior employment with the firm. Therefore, you may serve on the technical advisory committee.

If you have any questions regarding the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS
Executive Director