



February 28, 2003

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STAFF GENERAL COUNSEL

Hilary J. Thomas
3815 N.W. 207th Terrace
Miami, FL 33055

RE: REQUEST FOR ADVISORY OPINION 03-20

Dear Ms. Thomas:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on February 28, 2003 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your ability to become certified as a Disadvantaged Business Enterprise (DBE) and contract with the county.

In your request, you advised the Commission that you are a carpenter for Jackson Health Systems. You have a specialized construction license for store fixtures and cabinets. You are establishing a company to provide construction services in these areas. You are seeking certification as a Disadvantaged Business Enterprise.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you to become certified by the county as a Disadvantaged Business Enterprise (DBE). Further, you may contract with the county to provide services. However, you may not contract with the Public Health Trust because the code prohibits employees from contracting with the employee's department.

Section 2-11.1 (c) permits employees to contract with the county. 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...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. Therefore, you may become certified as a DBE and contract with the county.

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 the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,



ROBERT MEYERS
Executive Director