

July 10, 2003

Lee Sandler
Sandler, Travis & Rosenberg, P.A.
5200 Blue Lagoon Drive, Suite 600
Miami, FL 33126

RE: REQUEST FOR ADVISORY OPINION 03-94

Dear Mr. Sandler:

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 any conflicts between your service as a member of the International Trade Consortium and as a lobbyist for Miami-Dade County.

In your letter, you advised the Commission that you are a member of the firm of Sandler, Travis and Rosenberg ("Firm"), P.A. On February 1, 2003, Miami-Dade County retained the firm to provide lobbying services in Washington, D.C. The consultant agreement provides that the firm shall represent the County on various issues including aviation matters, INS, Customs, APHIS Staffing at Seaport and Airport; Streamlining of Debt of Homeland Security Procedures at MIA and the Seaport, Rent from the Federal Aviation Authority and the Transportation Safety Administration for Airport Space Usage; Flight Training Rules; Funding for EDS Installation at MIA and Cold Treatment Certification at the Seaport.

You also serve as a member of the Jay Malina International Trade Consortium("ITC") . The ITC was created in 2002 to further the County's effort to promote trade and commerce with Latin America, the Caribbean, Africa and other global regions. The ITC has the authority to engage in activities that increase Miami International Airport's airline competition and air service development and develop and expand traffic through the Seaport.

The ITC is composed of thirty-eight members who serve staggered two-year terms. The ITC enabling ordinance provides that members must be a U.S. citizen, a permanent resident and a duly qualified elector of Miami-Dade County unless the BCC waives the residency requirements by a two-thirds vote of its membership.

The enabling ordinance further provides that no person shall be qualified to serve as a voting member if the that person is an officer, representative, administrator or employee of any consultant, contractor or agency contracting with or receiving funding from the ITC except if that person is employed by or receiving funding from the ITC unless that person employed by or serving on the ITC board as a representative of State or local government. Trustees who are representatives of or who are employed by any State or local governmental agency may not vote on matters affecting the governmental agency by which they are employed or whom they represent.

The Commission found that the Conflict of Interest and Code of Ethics ordinance permits you to simultaneously serve as a lobbyist for Miami-Dade County and a member of the Jay Malina International Trade Consortium. Section 2-11.1 (c) (3) provides that " notwithstanding any provision to the contrary herein, subsections (c) and (d) shall not be construed to prohibit any person defined in

subsection (b)(2), (b)(3) and (b)(4) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the board member 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. However, any person defined in subsection (b)(2), (b)(3) and (b)(4) is prohibited from contracting with any agency or department subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the board of which the person is a member.

As a county lobbyist, you work for the Office of Intergovernmental Affairs. The Office of Intergovernmental Affairs is not subject to the regulation, oversight, management, policy setting or quasi-judicial authority of the ITC. Therefore, you may contract with the county to provide lobbying services in Washington.

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,

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ROBERT MEYERS
Executive Director