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July 10, 2003

Freddy Castillo
820 NW 19th Avenue
Miami, FL 33025

RE: REQUEST FOR ADVISORY OPINION 03-95

Dear Mr. Castillo:

You requested an advisory opinion regarding any conflicts as they relate to your brother's ownership in a company that is seeking certification as a Community Small Business Enterprise (CSBE).

You are a Contract Compliance Officer II with the Miami-Dade County Department of Business Development ["DBD"]. In this capacity, you are responsible for monitoring County contracts, including those qualified as a CSBE, in order to ensure compliance with various laws and regulations. Your brother owns ten (10) percent of a painting company that is seeking CSBE certification in order to transact business with the County. In your letter you state that you are not involved in the actual CSBE certification process.

The Conflict of Interest and Code of Ethics Ordinance permits your brother's company to seek CSBE certification and thereby perform work for the County. First of all, siblings do not fall under the term "immediate family" as defined in the Code of Ethics.

However, in order to avoid the appearance of impropriety, you shall delegate any potential contract monitoring and compliance duties which may be connected to your brother's company. In the interest of ensuring compliance with this stipulation, the Ethics Commission requests that you provide our office with the name of the individual who

would be responsible for monitoring any contracts as they relate to your brother's company.

This opinion construes the Miami-Dade County 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 should you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call Christina Prkic, Staff Attorney at (305) 350-0615 or the undersigned at (305) 579-2594.

Sincerely Yours,

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

ROBERT MEYERS
Executive Director