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STAFF GENERAL COUNSEL

September 23, 2005

Tyrone D. Browne  
1561 Lugo Avenue  
Coral Gables, FL 33156

**RE: REQUEST FOR ADVISORY OPINION 05-100**

Dear Mr. Browne:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 22, 2005 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether you may make introductions for a company providing design services at Miami International Airport. You also want to know if you can accept financial compensation for making the introductions and whether you are precluded from making decisions regarding the firm's airport work.

In your letter, you informed the Commission that you are responsible for managing nine Project Managers who supervise the architectural and engineering firms who are working on various complex construction projects for Miami International Airport. You also participate in the solicitation process for AE firms that work at Miami International Airport including evaluation of bids and recommendations for award. Finally, you are responsible for resolving issues that may arise during construction including design questions, construction standards and completion dates.

You are a native of St. Croix and still maintain connections with many St. Croix officials. Recently, you were approached by an AE firm and asked to put the members of the firm in contact with St. Croix officials regarding a proposed airport project. Subsequently, you placed the officials of the AE firm in contact with officials in St. Croix. The firm was subsequently awarded the St. Croix airport contract.

The Commission found that the Conflict of Interest and Code of Ethics ordinance prohibits you from receiving compensation for facilitating work between an AE firm doing business at Miami International Airport and the St. Croix Airport Authority. Section 2-11.1(j) provides that no employee "shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties".

The Conflict of Interest ordinance does not prohibit you from the limited activity of providing introductions between an AE firm working at the airport and personal or business acquaintances. An introduction through a phone call or a letter is akin to a personal reference which county employees may provide to contractors and vendors who do business with the county. However, you may not be compensated for providing a reference because it would make you a paid employee of a firm whose work you supervise in your capacity as Chief of Airport Design. The Ethics Commission has repeatedly held that an employee may not work for a firm that the employee supervises in his public capacity because it would impair the employee's impartial judgment in the performance of his public duties.

Further, you are barred by the gift ordinance from receiving payment for providing introductions based on your assessment of the firm's work as an employee of Miami

International Airport. Section 2-11.1(e)  
(3)(a) prohibits an employee from accepting  
or agreeing to accept a gift because of an  
official public action that was taken.

Moreover, as long as your actions for the AE  
firm was limited to the action of "making  
introductions" between the AE firm and the  
St. Croix Aviation Authority, the Conflict of  
Interest and Code of Ethics ordinance does  
not require you to recuse yourself from any  
actions regarding the AE firm.

Therefore, the Conflict of Interest and Code  
of Ethics ordinance prohibits you from  
accepting compensation for "making  
introductions" between an AE firm doing  
business at the airport and St. Croix  
officials. The Conflict of Interest ordinance  
prohibits you from becoming an employee of a  
firm under your supervision as a county  
official. However, you may continue to take  
official action regarding the firm as long as  
your actions on behalf of the company did not  
extend beyond "making introductions" on  
behalf of the firm.

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,



ROBERT MEYERS  
Executive Director