

**COMMISSION ON
ETHICS AND PUBLIC
TRUST**

RQO 05-48

Memo

To: The Honorable Carlos Alvarez, Mayor
Miami-Dade County

From: Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust

Date: 5/9/2005

Re: Request for Ethics Advisory Opinion

I received a memorandum from you dated May 2, 2005 asking for the Ethics Commission to issue an advisory opinion regarding the approval of a \$9,000 allocation from the Commission District Discretionary Reserve of Vice Chairperson Dennis Moss for a study to be conducted by Florida International University. Section 2-1074 of the Miami-Dade County Code regulates the authority of the Ethics Commission to issue advisory opinions.

In order for the Ethics Commission to render an advisory opinion, the Ethics Commission must have jurisdiction over the requester, the request must be tied to contemplated conduct and the requester must be seeking an opinion about his/her conduct. In the instant case, I conferred with the Chairman of the Ethics Commission and he and I concur that our office is unable to provide you with an advisory opinion concerning this matter due to the fact the conduct you believe is unethical has already taken place (December 16, 2004) and you are seeking an opinion about someone else's conduct (either Commission Moss or the full Commission) for the actions taken on December 16, 2004.

However, our office can investigate the allegations of unethical behavior you reference in your May 2, 2005 memorandum. I understand that you have asked the Office of Inspector General (OIG) to investigate this matter as well. If this is true, I would prefer to wait until the OIG has issued its findings before proceeding.

If you wish to discuss the above with me in greater detail, please do not hesitate to contact me at your convenience.

cc: The Honorable Chairperson Joe Martinez
Honorable Members, Board of County Commissioners
✓ Kerry Rosenthal, Chairman, Commission on Ethics and Public Trust
George Burgess, County Manager
Robert Ginsburg, County Attorney
The Honorable Harvey Ruvin, Clerk of Courts
Kay Sullivan, Director, Clerk of the Board