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July 28, 2005

Faith Samuels
Office of Capital Improvements
111 N.W. First Street
Suite 2130
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION RQO 05-78

Dear Ms. Samuels:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 27, 2005 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts between MC Harry and Associates' renovation work at the Dade County Courthouse and the firm serving as a subconsultant to Wiss, Janey, Elstner (WJE) on a contract to provide terra cotta reconstruction work at the Dade County Courthouse.

In your letter, you advised the Commission that M.C. Harry has held a contract with Miami-Dade County to provide architectural and engineering services related to interior renovations at Dade County Courthouse since 1976. During the course of the agreement, M.C. Harry has provided a number of services including services related to reconstruction of the terra cotta façade. MC Harry is currently providing services at the

Courthouse Center and the South Dade Courthouse.

In 1999, M.C. Harry retained WJE as a special subcontractor to perform a limited inspection regarding any imminently dangerous conditions. Subsequently, as a subcontractor to M.C. Harry, WJE was assigned the task of conducting a complete inspection of the entire courthouse façade and preparing a preliminary cost estimate for the work. In December, 2002, WJE prepared a report on their findings.

The County recently issued a Notice to Professional Consultants to do architectural and engineering work on the terra cotta reconstruction of the Dade County Courthouse. The scope of services requires the firm to provide services in several phases: Phase 1: Field Testing, Laboratory Testing, Repair and Constructability Issues; Phase 2-Selection of Contractor and Phase 3- Architectural Engineering Construction Management/ Field Services.

The Commission found that MC Harry may serve as a subconsultant to WJE as long as the firm is not currently performing any work at the Dade County Courthouse related to terra cotta reconstruction and will not perform any supervisory services under their on-going agreement regarding this matter. Since Phase 1 of the project will require significant revisions to the prior report and the other phases are outside the scope of the prior project, there is no overlap between the scope of the work.

Further, any potential conflicts related to disclosure of confidential information related to the prior project are not present because all of the findings are contained in a public report.

Accordingly, MC Harry may serve as a subconsultant to WJE as long as the firm is not currently performing services at the Dade

County courthouse related to the terra cotta reconstruction and will not perform any supervisory or inspection responsibilities as Architect of Record for the Dade County Courthouse.

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

cc: James Piersol, M.C. Harry and Associates
Christopher Mazzella, Inspector General