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January 26, 2006

Cynthia Curry
19301 W. St. Andrews Drive
Miami, FL 33015

RE: REQUEST FOR ADVISORY OPINION RQO 06-03

Dear Ms. Curry:

The Ethics Commission received your request for an advisory opinion regarding any conflicts between your former position with CWC & Associates and accepting a position as an Assistant County Manager.

In your e-mail, you advised the Commission that you recently resigned your position with CWC and Associates. Your spouse, Garland Curry, will continue to operate the firm. The firm has a contractual relationship with The Corgan Group. The Corgan Group is a contractor at Miami International Airport. CWC also recently terminated a contract with Siebert Brandford Shank & Co. (SBS). SBS is an investment banking company and is involved in county bond transactions. Finally, CWC recently terminated an agreement with HNTB to perform services on the East-West Corridor Project for the Transit Department. CWC had not performed any work under that agreement.

If you accept the position as Assistant County Manager, your departmental oversight responsibilities will be concentrated in the areas of economic development, housing and workforce development and training. You will not assume departmental oversight responsibilities for Aviation or Transit.

The Ethics Commission found the Conflict of Interest ordinance permits you to accept a position as an Assistant County Manager as long as you do not perform any contract-related duties for any company with whom you had a business relationship during the two years prior to your return to county government. Further, CWC is prohibited from contracting with any Miami-Dade County department or agency as long as your spouse owns a controlling financial interest in the corporation. However, this prohibition does not prevent CWC from contracting with companies who do business with Miami-Dade County.

Section 2-11.1(x) provides that "no person included in subsections (b) (5) (departmental personnel and (b) (6) (employees) who was previously employed by or held a controlling financial interest in a for-profit firm, partnership or other business entity shall, for a period of two year following the termination of his or her prior relationship with the business entity perform any County contract-related duties regarding the business entity or the successor in interest where the business entity is a County bidder proposer, service provider, contractor or vendor. As used in this subsection(x), "contract-related duties" include but are not limited to service as a member of County certification, evaluation, selection, technical review or similar committee; approval or recommendation of award of contract; contract enforcement, oversight or administration; amendment, extension or termination of contractor forbearance regarding any contract."

Section 2-11.1 (c) also states that "no person included in the terms defined in subsection (b) (1) through (b) (6) shall enter into any contract or transact any business...in which he or she or a member of his or her immediate family has a financial

interest, direct or indirect with Miami-Dade County or any person or agency acting for Miami-Dade County and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable."

Accordingly, you may serve as an Assistant County Manager as long as you do not perform any contract-related duties related to CWC& Associates. Further, CWC is prohibited from contracting with Miami-Dade County. However, CWC is not prohibited from contracting with companies who contract with Miami-Dade County.

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: George Burgess, County Manager