

December 27, 2006

Daphne I. Gurri  
Gurri Matute and Associates  
2701 Ponce De Leon Boulevard  
Suite 203  
Coral Gables, FL 33134

**RE: REQUEST FOR ADVISORY OPINION RQO 06-60**

Dear Ms. Gurri:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on December 21, 2006 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether your firm and its subconsultants may provide architectural and engineering services related to the renovation of the Historic Hampton House Hotel. The other members of the team are Consul-Tech Development Services, Douglas Wood and Associates, Faithful & Gould, Gartek Engineering, Laura Llerena and Associates and Heritage Architectural Associates.

In your request, you advised the Commission that the Office of Capital Improvements recently issued a Notice to Professional Consultants to provide AE services for the Hampton House Hotel. The hotel's renovation is one of the designated projects under the GOB bond program. The Hampton House was a social and cultural hub for Miami's black

community during the civil rights era. The building received historic designation by the Office of Historic Preservation in 2002.

The scope of services consists of AE services for the restoration of two-story 22,000 square foot property and includes defining the scope of work, cost estimating, preparation of construction contract documents, permitting, contract administration and processing contractor payments and change orders. The primary focus of the work is preserving the visual and historic aspects of the property while converting it to present-day use as a cultural center for the surrounding community.

Gurri Matute, P. A. and the other team members have not previously performed any work related to the Historic Hampton House.

The Commission found the Gurri Matute team may perform AE services related to the renovation of the Historic Hampton House. The firm has not previously provided any services related to the renovation therefore the firm does not have a conflict related to the GOB contract.

The NTPC required all prime consultants to "identify whether they or any of their subconsultants or team members have participated in any way in the preparation of the Historic Preservation Report submitted to the Historic Hampton House Trust, Inc., the 40-year Re-Certification Inspection Report or in any report, study, study or analysis of any kind related to the Historic Hampton House. The prime consultant must also identify how the current work is different from the any previously performed work."

Pursuant to Section 2-11.1(v), the Ethics Commission has jurisdiction over contractors and vendors. Section 2-11.1(j) restricts persons covered by the Conflict of Interest and Code of Ethics ordinance from doing work

that conflicts with their independence of judgment in performing their County responsibilities. Pursuant to that section of the Conflict of Interest and Code of Ethics ordinance, the Ethics Commission has delineated certain areas including overlapping responsibilities that would impair a contractor's independent judgment in the performance of its duties for the County.

Since Gurri Matute and its team members have not performed any work related to the Historic Hampton House, the team does not have a conflict under the Ethics Commission's prior opinions. Therefore, the Gurri Matute team may provide architectural and engineering services related to the renovation of the Historic Hampton House.

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: