

REQUEST FOR OPINION CHECKLIST

Request for Opinion

Dated: 1/16/03

Investigative File

Draft Opinion

Notification to requestor of hearing before commission:

Scheduled for 02/27/03 at \_\_\_\_\_ .m; or No 03-10

Commission Action: 03/27/03

Final Opinion Letter: Mailed on: \_\_\_\_\_; or

Final Disposition: \_\_\_\_\_

\_\_\_\_\_

May 30, 2002

Robert Meyers, Director  
Miami-Dade County  
Commission on Ethics & Public Trust  
19 W. Flagler Street, Ste. 220  
Miami, FL 33130

RE: Request for Advisory Opinion

Dear Mr. Meyers:

I am requesting your opinion as to the prohibition on transacting business with the County.

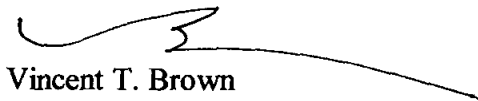
I am a ten-year employee of the County. My current position is with the Metro-Miami Action Plan Trust (Trust), as the Executive Director. I am the owner of residential rental property, and to intend to become a Section 8 vendor with the Miami Dade Housing Agency.

In consideration of the fact that the ownership and operation of residential rental property is completely unrelated to my position and duties at the Trust, I am requesting your determination as to if I would be precluded from applying for and receiving Section 8 vendor approval through agreements with the County. Further to this issue, would a waiver or other specific action be required to allow me to transact that nature of business with the County.

If you have any questions or need additional information, I can be reached by telephone at the Department at (305) 372-7600.

Your attention to this matter is greatly appreciated.

Respectfully submitted,



Vincent T. Brown

**DeLaCruz, Cherish (COE)**

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**From:** DeLaCruz, Cherish (COE)  
**Sent:** Thursday, March 20, 2003 10:07 AM  
**To:** Brown, Vincent (MMAP)  
**Subject:** Request for opinion 03-10

Dear Mr. Brown:

The Commission on Ethics and Public Trust is in receipt of your request for an advisory opinion. The commission will hear your request and render its opinion at its meeting scheduled for March 27, 2003. Please note that you are permitted to be present at the meeting and our office will require your advanced notification in the event you wish to appear. **Requests for opinions will be heard between 10:00-10:30 a.m..**

If you have any questions regarding the foregoing, please call the undersigned at (305)350-0616.

Sincerely Yours,

Ardyth Walker  
Staff General Counsel

3/20/2003

**DeLaCruz, Cherish (COE)**

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**From:** DeLaCruz, Cherish (COE)  
**Sent:** Thursday, February 20, 2003 11:31 AM  
**To:** Brown, Vincent (MMAP)  
**Subject:** Request for opinion 03-10

Dear Mr. Brown:

The Commission on Ethics and Public Trust is in receipt of your request for an advisory opinion. The commission will hear your request and render its opinion at its meeting scheduled for February 27, 2003. Please note that you are permitted to be present at the meeting and our office will require your advanced notification in the event you wish to appear. **Requests for opinions will be heard between 10:00-10:45 a.m..**

If you have any questions regarding the foregoing, please call the undersigned at (305)350-0616.

Sincerely Yours,

Ardyth Walker  
Staff General Counsel

2/20/2003

January 16, 2003

RQO 03-10  
COMMISSION ON ETHICS  
AND PUBLIC TRUST

03 JAN 16 PM 4:15

Robert Meyers, Executive Director  
Miami-Dade Commission on Ethics & Public Trust  
19 W. Flagler Street, Ste. 220  
Miami, FL 33128

RE: Clarification of Conflict of Interest Opinion

Dear Mr. Meyers:

I am requesting a clarification of the advisory opinion you issued on June 27, 2002. *See Attached.*

In that advisory opinion it was determined that I am a "departmental personnel." However, by definition in *Section 2-11.1(2) of the Code of Miami-Dade County, 8-2-2002*, I am an "autonomous personnel" and not a "departmental personnel". Although I am an employee of Miami-Dade County, the Metro-Miami Action Plan Trust Board of Trustees, a board that is ordained by the Miami-Dade Board of County Commission (BCC), hires me. Moreover, the MMAP Trust Board reports directly to the BCC and not to the county manger. The county manager does not have the jurisdiction to hire or terminate my employment; nor does he have any jurisdiction over the policy or programmatic direction of the MMAP TRUST. *Sec. 2-505(b), Code of Miami-Dade County, As Amended 1-23-2001*. Therefore, I am requesting an advisory opinion clarifying whether my status with Miami-Dade County is that of a "departmental personnel" or "autonomous personnel."

In light of the foregoing, I am seeking a clarification of the June 27, 2002 opinion; and in the event it is deemed I am an "autonomous personnel," I am requesting an advisory opinion as to whether I may seek waiver of the Miami-Dade County Conflict of Interest Code in order to provide Section 8 housing services to Miami-Dade County.

If you have any questions or need additional information, I can be reached at (305) 372-7600.

Your attention is greatly appreciated.

Respectfully submitted,

  
VINCENT T. BROWN, ESQ.

Attachments:



RECEIVED  
JUL 1 2002

METRO-MIAMI ACTION PLAN TRUST

June 27, 2002

**ETHICS COMMISSIONERS**

Kerry E. Rosenthal, Chairman  
Robert H. Newman, Vice Chairman  
Gail Dotson  
Guillermo Grenier  
Elizabeth M. Iglesias

**ROBERT A. MEYERS**  
EXECUTIVE DIRECTOR

**MICHAEL P. MURAWSKI**  
ADVOCATE

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

Vincent Brown  
Executive Director  
Metro Miami Action Plan Trust  
19 West Flagler Street  
Mezzanine-Room 106  
Miami, Florida 33130

**RE: REQUEST FOR ADVISORY OPINION 02-73**

Dear Mr. Brown:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on June 27, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your ability to contract with the county to provide Section 8 housing.

In your letter, you advised the Commission that you are the Executive Director of the Metro-Miami Action Plan Trust (MMA). You also advised the Commission that you are the owner of residential rental property and you would like to become a Section 8 vendor with the Miami-Dade Housing Agency.

The Commission found the Conflict of Interest and Code of Ethics ordinance prohibits you from contracting with the county to provide Section 8 housing. Section 2-11.1(c) provides that "no person... shall enter into any contract or transact any business in which he or a member of his immediate family has a controlling financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County and any such contract, engagement or business

engagement entered into in violation of this subsection shall render the transaction voidable.


Section 2-11.1(c) provides that "Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be construed to prevent any employee[excluding departmental personnel as defined in subsection(b)(5) or his or her immediate family as defined in subsection (b)(9)]from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County as long as 1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract awards or awarding the contract , and 3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance.

Section 2-11.1(b)(5) defines "departmental personnel" as the Manager, his department heads, the County Attorney and all Assistant County Attorneys. As the Executive Director of MMAP, you are a county department head and you are prohibited from contracting with the county to provide Section 8 housing.

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,

A handwritten signature in cursive script, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS  
Executive Director