



FILE COPY

ETHICS COMMISSIONERS

Kerry E. Rosenthal, CHAIRPERSON
Gail A. Dotson, VICE CHAIRPERSON
Seymour Gelber
Dawn E. Addy
Brenda Rivera

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

October 17, 2005

Jorge M. Hernandez
171 Shore Drive South
Miami, FL 33133

RE: INQUIRY 05-151 (Amended)

Dear Mr. Hernandez:

I received your request for an advisory opinion and I am rendering my opinion based on the facts in your letter. The Ethics Commission has not considered this matter. Please contact me if you would like a formal opinion from the Ethics Commission

You requested an opinion regarding any conflicts created by your proposed outside employment as a fire plans reviewer for municipalities and companies within Miami-Dade County. You would also like to provide contracting services for projects outside Miami-Dade County.

In your letter, you informed me that you are currently employed with Miami-Dade County Fire Rescue as a Fire Plans Examiner providing code compliance plan review. You would like to work as an outside consultant providing consulting services for residential projects for municipalities. You would perform plan review and inspection services related to compliance with the Florida Building Code and the Florida Fire Prevention Code. Miami-Dade County does not currently provide plan review and inspection services for single-family residential projects.

You would also like to perform plan review and inspection services for residential and

commercial projects in large municipalities such as Miami, Miami Beach and Hialeah where the County is not contracted to provide code compliance services. You would also provide such services for municipalities outside of Miami-Dade County.

Finally, you would like to provide professional architectural consulting services for projects outside of Miami-Dade County.

The Conflict of Interest and Code of Ethics ordinance permits you to provide plan review and inspection services for residential and commercial projects where Miami-Dade County does not provide such services. However, you may not perform consulting services for companies who do receive plan review and inspection services provided by the Department of Fire Rescue. For example, if XYZ Developer has residential and commercial projects within Miami-Dade County, you may not perform consulting services on the residential projects in your private capacity while simultaneously performing services for the commercial projects in your public capacity. Section 2-11.1(j) provides that no employee "shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties." Therefore, you may accept employment only from clients who do not receive any plan review and inspection services from Miami-Dade County.

The Conflict of Interest and Code of Ethics ordinance similarly permits you to provide contracting services for firms outside of Miami-Dade County as long as the firm does not receive any plan review and inspection services from the Miami-Dade Department of Fire Rescue.

Section 2-11.1(m) (1) also prohibits you from representing your private clients before any county personnel, board or agency. You must

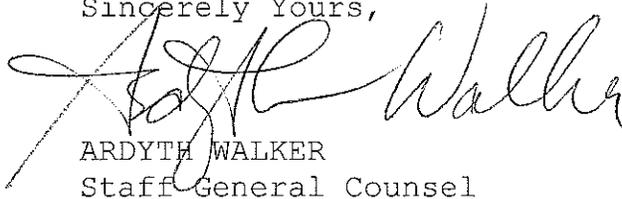
also request approval for the outside employment on an annual basis and file the required annual disclosure form.

Finally, you should submit a list of your clients and their projects to your Division Director on a quarterly basis in order to evaluate your client list for any potential conflicts.

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) 350-0616 or e-mail me at awalker@miami-dade.gov.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Ardyth Walker". The signature is written in black ink and is positioned above the typed name and title.

ARDYTH WALKER
Staff General Counsel



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September 23, 2005

Jorge M. Hernandez
171 Shore Drive South
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RE: INQUIRY 05-151

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The Conflict of Interest and Code of Ethics ordinance similarly permits you to provide architectural consulting services for firms outside of Miami-Dade County as long as the firm does not receive any plan review and inspection services from the Miami-Dade Department of Fire Rescue.

Contractor's
Service

Section 2-11.1(m)(1) also prohibits you from representing your private clients before any county personnel, board or agency. You must also request approval for the outside employment on an annual basis and file the required annual disclosure form.

Finally, you should submit a list of your clients and their projects to your Division Director on a quarterly basis in order to evaluate your client list for any potential conflicts.

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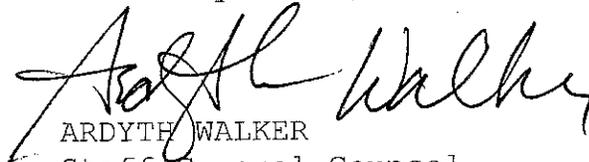
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