

# Memo

**To:** Charles Hall  
Commission on Ethics and Public Trust

**From:** Ardyth Walker  
Staff General Counsel

**Date:** 09/08/00

**Re:** Conflict Request

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You have requested an opinion regarding any conflict between your roles as a hearing examiner for labor cases involving Miami-Dade County employees and your service as a Commissioner for the Commission on Ethics and Public Trust. The Conflict of Interest and Code of Ethics ordinance does not prohibit you from serving in both capacities.

Prior to and subsequent to your appointment to the Commission on Ethics and Public Trust, you have served as a hearing examiner in disciplinary cases involving employees of Miami-Dade County. Pursuant to Section 2-47 of the Code of Miami-Dade County, the Personnel Director appoints hearing examiners from a list supplied by the American Arbitration Association. Hearing examiners conduct hearings and provide finding of facts, conclusions and recommendations to the County Manager regarding employee discipline appeals. Hearing examiners do not execute a contract with Miami-Dade County or the American Arbitration Association for their services.

The Conflict of Interest and Code of Ethics ordinance does not prohibit you from serving as a hearing examiner and an Ethics Commissioner. Section 2-11.1(c) restricts persons covered by the ordinance from entering into contracts or transacting business with Miami-Dade County if the covered person or a member of his immediate family has a financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County. Section 2-1070 of the Code

provides that the Conflict of Interest and Code of Ethics ordinance shall be applicable to members and staff of the Ethics Commission.

However, service as a hearing examiner does not constitute contracting or transacting business with the county. Section 2-47 of the Code of Miami-Dade County provides that "hearing examiners may be paid a fee for their services but shall not be deemed County officers or employees within the purview of Section 2-10-2, 2-11.1 or otherwise". Therefore, the Conflict of Interest and Code of Ethics ordinance does not prohibit you from serving as a hearing examiner because you are not contracting or transacting business with Miami-Dade County. Accordingly, you do not have a conflict under the code if you serve in the dual capacities of an Ethics Commissioner and a hearing examiner.

The Conflict of Interest and Code of Ethics ordinance does not prohibit you from serving as an Ethics Commissioner and a disciplinary appeals hearing examiner because service as a hearing examiners do not contract or transact business with the County as defined by the ordinance.