



**FILE COPY**

**ETHICS COMMISSIONERS**

**Michael H. Salmon, Chairperson**  
**Charles A. Hall**  
**Elizabeth M. Iglesias**  
**Knovack G. Jones**  
**Kerry E. Rosenthal**

**ROBERT A. MEYERS**  
EXECUTIVE DIRECTOR

**CHRISTOPHER R. MAZZELLA**  
INSPECTOR GENERAL

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

April 6, 1999

[REDACTED]  
Deputy Director  
Building Code Compliance Office  
140 West Flagler Street  
Suite 1603  
Miami, Florida 33130

**RE: REQUEST FOR ADVISORY OPINION 99-04**

Dear Mr. [REDACTED]

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 5, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an opinion as to whether the Conflict of Interest and Code of Ethics ordinance prohibits you from serving as a member of the City of Miami Beach Board of Adjustment while serving as Deputy Director of the Building Code Compliance Office.

In your letter and supporting documents, you advised the Commission that, as Deputy Director of the department, you are responsible for the day to day operations of the department including supervising the division chiefs, fiscal matters, personnel matters and supervision of advisory boards under the department's jurisdiction including the Boards of Appeals and Rules, the Construction Trades Qualifying Board and the Unsafe Structures Board. You also assist the department director in monitoring the effect of code regulations on the construction industry and developing administrative orders

and ordinances to update the South Florida Building Code.

You further advised the commission that the Board of Adjustment (Zoning Board) hears appeals of zoning matters and grants zoning variances when the Board finds that there are special circumstances requiring a variance, that the variance will not afford the applicant special privileges and that a literal interpretation of the ordinance would deprive the applicant of the same rights enjoyed by other property owners in the district.

The Commission found that the Conflict of Interest and Code of Ethics ordinance does not prohibit you from serving on the Miami Beach Board of Adjustment. Your duties as Deputy Department Director do not overlap with your duties as a member of the Board of Adjustment. Your work in the department is primarily supervisory and you are not responsible for code inspections nor do you handle any planning or zoning work in your county employment. An employee may participate in civic work as long as the outside involvement does not violate 2-11.1(g) (Exploitation of official position) and 2-11.1(h) (Prohibition on use of confidential information). Since your work on the Board of Adjustment will not require you to use confidential information acquired through your county employment or exploit your official position, your service is not barred by the Conflict of Interest and Code of Ethics ordinance.

Accordingly, the Conflict of Interest and Code of Ethics ordinance does not preclude you from serving on the Miami Beach Board of Adjustment.

If you have any questions regarding the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,

A handwritten signature in cursive script that reads "Robert Meyers". The signature is written in black ink and includes a long horizontal flourish at the end.

ROBERT MEYERS  
Executive Director