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STAFF GENERAL COUNSEL

June 3, 1999

Yolanda Fuentes-Johns  
Training Coordinator  
Human Resources Department  
Department of Parks and Recreation  
275 N.W. 2<sup>nd</sup> Street, Third Floor  
Miami, Florida 33128

**RE: REQUEST FOR ADVISORY OPINION 99-14**

Dear Ms. Johns:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on May 27, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding Trades and Turf Days, a motivational program held for department employees that is partially underwritten by county vendors.

In your memorandum, you advised the Commission that the Parks and Recreation Department annually holds Trades and Turfs days where speakers talk to employees about job-related issues. The employees also participate in competitive events such as horseshoes, tug-of-war, obstacle courses and putt-putt-golf. Current county vendors and potential vendors are invited to participate in the event and are charged to display their products in booths during the event. The money is used to purchase lunch for the employees. The vendors also distribute hats, pencils, magnets and other free gifts to employees during the event.

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, reading "Robert Meyers", followed by a long horizontal flourish line extending to the right.

ROBERT MEYERS  
Executive Director