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October 14, 1999

Charles Lanza
Director
Miami-Dade Office of Emergency Management
5600 N.W. 87th Avenue
Miami, FL 33173

RE: REQUEST FOR ADVISORY OPINION 99-42

Dear Mr. Lanza:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on October 13, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any potential conflicts of interest between your county employment and your web-site and presentations on Y2K preparedness.

In your letter, you advised the Commission that you have produced a Y2K preparedness video entitled Global Problems with Local Solutions and that you have a website devoted to Y2K matters. Video sales are used to defray production costs and other preparedness projects. You envision producing an entire series of preparedness videos. You have also given lectures across the country on the Y2K issues. Most of the presentations have been in your professional capacity but you have also made other presentations where you clearly stated that the presentation was made on behalf of Charles Lanza and Associates, Inc. At one time, the website included a reference to your county position

but all references to the county were removed in the last year.

The Commission found that The Conflict of Interest and Code of Ethics ordinance does not prohibit you from selling videos or having a website devoted to Y2k preparedness issues but you must not use your county title or county resources in marketing your outside ventures. Further, you may not conduct any activities related to the outside venture during work hours.

Section 2-11.1 (j) governs restrictions on outside employment. Section 2-11.1(j) provides that an employee shall not accept other employment which would impair his or her independence of judgment in the performance of his or her public duties. 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). Therefore, you may conduct private activities related to Y2K preparedness as long as you do not exploit his official position in your off-duty activities.

Please be advised that the Commission on Ethics advisory opinion is only applicable to the Miami-Dade County Conflict of Interest Ordinance and not the State of Florida Code of Ethics. Any questions regarding interpretation of the state Code of Ethics should be referred to the State of Florida Commission on Ethics.

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,

Handwritten signature of Robert Meyers in cursive script, followed by a horizontal line.

ROBERT MEYERS
Executive Director