



March 30, 2000

**ETHICS COMMISSIONERS**

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**Charles A. Hall, Vice Chairperson**  
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**Robert H. Newman**

Robert Honey  
South District Wastewater Treatment Plant  
P.O. Box 33016  
Miami, Florida 330316

**ROBERT A. MEYERS**  
EXECUTIVE DIRECTOR

**RE: REQUEST FOR ADVISORY OPINION 00-10**

**CHRISTOPHER R. MAZZELLA**  
INSPECTOR GENERAL

Dear Mr. Honey:

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 29, 2000 and rendered its opinion based on the facts stated in your memorandum.

You requested an opinion regarding your ability to accept outside employment with a local water treatment company.

In your letter you advised the Commission that you have applied for permission to work for PELCO, a local company that maintains and operates water treatment plants for businesses and other entities that are not served by WASD. Your outside employment would require you to maintain and operate wastewater and water treatment plants, clean storm drains and service lift stations. The job would require you to spend about thirty minutes per plant per day. The hours would not conflict with your county employment.

Your county employment requires you to perform similar functions on a much larger scale. Your department denied your request for outside employment because the department believes that the employment will conflict with county employment.

The Commission found that the Conflict of Interest and Code of Ethics ordinance permits you to work for PELCO because the outside employment will not impair your independence of judgment in the performance of your official duties. Section 2-11.1 (j) provides that "no person .. shall accept other employment which would impair his independence of judgment in the performance of his public duties". However, WASD may still deny your outside employment if they find that it is contrary, detrimental or adverse to the interest of the county or the department.

Therefore, The Conflict of Interest and Code of Ethics ordinance does not prohibit you outside employment with PELCO because it will not impair your independent judgment. However, the department may still deny the employment if it finds that the employment is contrary, detrimental or adverse to the interests of the county.

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) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,



ROBERT MEYERS  
Executive Director