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STAFF GENERAL COUNSEL

January 22, 2001

Francisco Quintana  
Director  
Building Code Compliance Office  
140 West Flagler Street  
Suite 1603  
Miami, Florida 33130

**RE: REQUEST FOR ADVISORY OPINION 00-186**

Dear Mr. Quintana:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 17, 2001 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding the certification of an inspector who works as a field technician for private companies.

In your letter, you advised the Commission that a building inspector, who is currently certified as an inspector in three Miami-Dade municipalities, has applied for certification as an inspector from the Board of Rules and Appeals. Pursuant to the South Florida Building Code, the Board has the responsibility of certifying building inspectors. The inspector currently works as a field technician for a certified testing laboratory that conducts roof testing for clients including roofing contractors. The inspector might perform inspections for the same buildings for which he has performed testing.

The Commission found the Conflict of Interest and Code of Ethics ordinance does not prohibit the Board of Rules and Appeals from certifying the inspector but he may not work on projects or for companies for which he has served as a field technician.

The Commission also found that there is an inherent conflict of interest between the inspector's work as a field technician and his work as a building inspector for municipalities and the county because it impairs his independence of judgment in the performance of his public duties as a roofing inspector. Therefore, the inspector may be certified but a limitation should be placed on the inspections that he may perform.

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

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers", followed by a horizontal line extending to the right.

ROBERT MEYERS  
Executive Director