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STAFF GENERAL COUNSEL

February 15, 2002

Dale Bowlin
Building Code Compliance Office
140 West Flagler Street
Suite 1603
Miami, Florida 33130

RE: REQUEST FOR ADVISORY OPINION RQO 02-08

Dear Mr. Bowlin:

The Commission on Ethics and Public Trust considered your request at its meeting on February 13, 2002 and rendered its opinion based on the facts in your letter.

You requested an opinion regarding conflicts between your work for the Building Code Compliance Office and your work as a general contractor.

In your letter, you advised the Commission that you are a Code Compliance Officer with the Building Code Compliance Office. The Building Code Compliance Office is charged with the responsibility of among other things, registration, certification, recertification and decertification of county and municipal construction enforcement personnel, investigations, preparation and prosecution of enforcement activities under the Building Code and approval, disapproval or conditional approval of the local use of construction products, materials or assemblies or alternate construction materials or assemblies.

You seek to use your contractor's license to certify a construction company outside of

Miami-Dade County. You will not seek county contracts or do anything with Miami-Dade County government.

The Commission found that the Conflict of Interest and Code of Ethics ordinance permits you to use your contractor's license to certify a construction company outside of Miami-Dade County. However, you may not partner or work on projects with local contractors because of the potential that the outside work will impair your independence of judgment in your county employment. Section 2-11.1(j) provides that "no person included in the terms defined in subsections (b)(1) through (b)(6) shall accept other employment which would impair his or her independent judgment in the performance of his or her public duties."

Since your job responsibilities include building code enforcement, your business association with companies subject to the department's oversight could create conflicts of interest and compromise your independent judgment. Therefore, you should not work jointly with companies that are subject to oversight and enforcement by the Miami-Dade Building Code Compliance Office. However, you may work as a sole contractor on jobs outside of the county or work with companies that do not work in Miami-Dade County. Finally, pursuant to Section 2-11.1(k), you must file outside employment forms with the Department of Elections.

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) 350-0616 or the
undersigned at (305) 579-2594.

Sincerely Yours,

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

ROBERT MEYERS
Executive Director