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STAFF GENERAL COUNSEL

September 10, 2002

Lisa Healey  
MDT-Human Resources  
Rail Training  
6601 N.W. 72<sup>nd</sup> Avenue  
Miami, FL 33166

**RE: REQUEST FOR ADVISORY OPINION 02-106**

Dear Ms. Healey:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 9, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding outside employment as a proctor for air conditioning certification tests.

In your letter, you advised the Commission that you are a Training Specialist 2 with the Miami-Dade Transit Agency. As a training specialist, your duties include proctoring the 608 Refrigerant Transition and Recovery Certification Test. The test is required for any mechanic or technician who works on air conditioning systems. Currently, eight of ten local proctors administer the test in Spanish only and the other two local proctors work in Broward County.

You would like to proctor the tests for non-county vendor or employees who require certification in air conditioning systems.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you to proctor the 608 Refrigerant Transition and Recovery Certification Test for non-county technicians and mechanics. The Conflict of Interest ordinance only prohibits you from accepting outside employment that would compromise your independent judgment. Section 2-11.1(j) provides that no employee shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties. Since your duties as a proctor for other technicians and mechanics should not compromise your independent judgment, your outside employment is not barred by the Conflict of Interest and Code of Ethics ordinance.

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) 350-0616.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal line extending to the right.

ROBERT MEYERS  
Executive Director