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February 28, 2003

Patricia SaintVil-Joseph  
Deputy City Attorney, City of North Miami  
776 Northeast 125 ST  
North Miami, FL 33261-0850

**RE: REQUEST FOR ADVISORY OPINION 02-175**

Dear Ms. SaintVil-Joseph:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on February 27, 2003 and rendered its opinion based on the facts stated in your request.

As Deputy City Attorney for the City of North Miami, you requested an advisory opinion asking whether the Mayor of the City of North Miami may serve in a volunteer capacity as a plans examiner and building inspector in the City's Building and Zoning Department.

In response to the increased workload within the City's Building and Zoning Department, Mayor Joseph Celestin, who is also a licensed engineer and contractor, would like to volunteer in the Department. You advised the Ethics Commission that he will not issue any signed orders, render any quasi-judicial opinions or act as a building official. The Mayor's role will be limited to document review only, with no other authority.

Under the Conflict of Interest and Code of Ethics Ordinance, there is no legal conflict per se that precludes the Mayor from volunteering in the Department; however, given his personal business interest as a developer, the Ethics Commission strongly discourages the Mayor from engaging in this activity. Government officials have a duty to ensure that government operates with high degree of integrity and ethics; as a result, it is incumbent upon him to

avoid any situations which would give rise to questions of impropriety and appearance problems.

Nevertheless, should Mayor Celestin choose to participate despite the strong opposition expressed by the Ethics Commission, both he and the department officials must ensure that in his volunteer capacity, assistance is strictly limited to document review. He may not participate in functions that require subjective authority or official action, such as building inspection, as mentioned in your letter.

Also, he would be legally prohibited from participating in such processes where he or a member of his immediate family has a financial interest. Section 2-11.1 (n), "Actions prohibited when financial interests involved," states that:

"No person included in terms defined in subsections (b)(1) through (6) shall participate in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest."

Additionally, Section 2-11.1 (g) provides in part, that no government official or employee shall use his or her "official position to secure special privileges or exemptions." For the reasons noted above, the Ethics Commission strongly advises against this participation. In order to minimize any perceived conflicts of interest or questions of impropriety, the Mayor should not engage in this activity, despite whatever limited role he may have or assurances which may be provided.

This opinion construes the Miami-Dade County 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 should you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call Christina Prkic, Staff Attorney at (305) 350-0615 or the undersigned at (305) 579-2594.

Sincerely Yours,



ROBERT MEYERS  
Executive Director