

March 7, 2002

Toby Cline
Investigator
Building Code Compliance Office
140 West Flagler Street
Miami, FL 33150

RE: REQUEST FOR ADVISORY OPINION 02-26

Dear Mr. Cline:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 6, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding outside employment for the Plumbing Contractors Association.

In your letter, you advised the Commission that you are an investigator with the Building Code Compliance office. Among your duties are investigation of allegations of wrongdoing by plumbers and other trades and review and approval of applications for the Plumbing Journeymen's exam. All applicants are required to file an application which provides documentation of past experience, financial responsibility and criminal history.

You have been offered outside employment as a teacher for the Journeymen Plumber Prep Course. You will teach classes for the Plumbing Contractors Association. The students in your classes will have applied

for the exam but not yet received approval from the department.

The Commission found the Conflict of Interest and Code of Ethics ordinance prohibits Cline from accepting the outside employment. Section 2-11.1(j) provides that "no person included in subsection (b)(1) through (6) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties." Cline's judgment may be impaired if he is employed by a group over whom he has enforcement authority. Further, Cline's judgment may be impaired if he is reviewing applications in his county employment for students he is teaching in his outside employment. Therefore, Cline should not accept the outside employment.

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,

ROBERT MEYERS
Executive Director