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August 21, 2003

Marcus Nesbitt
Miami-Dade Water & Sewer Department
140 West Flagler ST
Miami, FL 33130

RE: REQUEST FOR ADVISORY OPINION 03-119

Dear Mr. Nesbitt:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on August 21, 2003 and rendered its opinion based on the facts stated in your request.

You requested an advisory opinion regarding any conflicts as they relate to your potential outside employment.

In your letter, you advised the Ethics Commission that you work for the Miami-Dade County Water & Sewer Department as a Cashier. Your primary responsibilities include receiving and processing payments from water and sewer customers. You have been offered an employment opportunity with Consolidated Delivery & Logistics, Inc. ["CD & L"] as an Independent Contractor Carrier. In this position, you will be performing pickups and deliveries for local hospitals.

The Ethics Commission found that the Conflict of Interest and Code of Ethics Ordinance does not prohibit you from working as a carrier for CD & L. Section 2-11.1 (j) "Conflicting employment prohibited" provides,

No person included in the terms defined in subsections (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.

Since the positions are unrelated and the proposed outside employment would take place after your County work, your job with CD & L would not interfere with your job responsibilities at the WASD.

In accordance with Section 2-11.1 (k), you must first seek approval from the Department director before engaging in the outside employment. Additionally, you must report the outside employment by filing the required disclosure forms by July 1st of each year with the Department of Elections.

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,

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

ROBERT MEYERS
Executive Director