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August 19, 2004

Rick Herrera
Director of Housing, Planning and Development
Miami-Dade Housing Agency
3000 N.W. 32nd Avenue
Miami, FL 33142

RE: REQUEST FOR ADVISORY OPINION 04-132

Dear Mr. Herrera:

The Commission on Ethics and Public Trust
considered your request for an advisory
opinion at its meeting on August 18, 2004 and
rendered its opinion based on the facts
stated in your letter.

You requested an opinion regarding any
limitations on your work as an engineering
consultant for private corporations and
individuals.

In your letter, you advised the Commission
that earlier this year, you formed Develotec,
a private civil engineering firm. Develotec
prepares plans and as-builts for public works
projects. The civil engineering plans consist
of the design of paving, drainage water and
sewer facilities for new or existing
projects. As the engineer of record, you sign
the engineering plans for the firm's clients.
The plans may require approval from various
county agencies including DERM, Public Works
or the Water and Sewer Department. Your firm
is associated with another agency, Double A
Enterprises. Double A files the plans with
county agencies but you may receive inquiries
from departments regarding the plans.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits your firm to file plans with your signature as the engineer of record. However, Section 2-11.1(m)(1) prohibits you from meeting with county staff regarding the plans and negotiating for any benefit on behalf of a third party. Section 2-11.1(m) provides that no person included in the terms defined in subsections (b)(1), (b)(5) and (b)(6) (commissioners, departmental personnel and employees) shall appear before any County board or agency and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form for services rendered to a third person who has applied for or is seeking some benefit from the County or a County agency, in connection with the particular benefit sought by the third person. Nor shall such person appear before any administrative tribunal as counsel or legal advisor to a party who seeks legal relief from the County or a county agency through the suit in question."

Therefore, Section 2-11(m) permits your associate to file plans with county agencies for your private clients. You may also answer phone inquiries from county agencies regarding technical specifications. However, in order to avoid the prohibition against appearances and presentations, you may not participate in any face-to-face meetings with staff. Further, you are prohibited from submitting any written documents to staff (excluding amended plans) regarding any permits or approvals requested by his clients. Finally, you may accept compensation for your engineering plans (including any amendments at the request of county staff)

but you may not accept any compensation related to the navigation of the plans through the county approval process.

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