

VIA FACSIMILE (305) 752-2710

January 28, 2005

Dennis Hynes
Public Works Department
Miami-Dade County
111 N.W. First Street
Suite 1610
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION RQO 05-09

Dennis Hynes Outside Employment

Dear Mr. Hynes:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 26, 2005 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts between your position as a real estate officer and outside employment as a realtor in Martin and St. Lucie counties.

In your letter, you advised the Commission that in your capacity as a Real Estate Officer for the Public Works department, you are responsible for acquiring land for roadway projects. You are also responsible for finding, negotiating and closing on the property on behalf of the county. You also prepare cases for eminent domain hearings for the County Attorney's office. Although you acquire land for Miami-Dade County, the department works in conjunction with the Miami-Dade Expressway Authority, the Florida Department of Transportation and U.S. Department of Transportation on projects. You

are a licensed realtor and would like to activate your real estate license. You plan to sell residential properties in Martin and St. Lucie counties.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you to activate your real estate license and sell residential properties in Martin and St. Lucie counties. 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." Your outside employment should not compromise your judgment as long as your clients are not involved in any transactions with Public Works or the Transit Department. Accordingly, you may not work with any buyers or sellers who are engaged in real estate transactions with Miami-Dade County. Further, you must obtain permission from your department for the outside employment and must report your outside employment on an annual basis.

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

