

October 31, 2006

Lakeisha Brown
Department of Water and Sewer
3071 S.W. 38th Avenue
Miami, FL 33146

RE: RQO 06-57

Dear Ms. Brown:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on October 30, 2006 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether married employees are required to file separate outside employment forms when they own and rent property together. You also sought an opinion regarding how any income should be reported.

In your request, you advised the Commission that Patricia Gomez, an Engineer in the Project Support Division of WASD, owns rental property with her husband. Gomez' spouse is also a WASD employee. The rental income is deposited into a joint account.

The Commission found the Conflict of Interest and Code of Ethics ordinance requires the couple to file separate outside employment forms. Section 2-11.1(k)(2) requires all employees to file an annual report indicating the source of any outside employment, the nature of the work being done pursuant to same and any amount or types of compensation received by the employee from said outside

employment. Since the ordinance requires all employees who have employment to file a form, both spouses are required to file individually.

Further, Gomez and her spouse should each report the total rental income that the couple receives. Under financial disclosure law, each reporting spouse is required to list the total value of any property owned jointly with right of survivorship. Similarly, each spouse should be required to report all rental income where any income received may be used for the benefit of both parties. Therefore, the couple should each report the total amount of income received for the rental property.

Accordingly, the Conflict of Interest and Code of Ethics ordinance requires spouses to separately submit outside employment forms for rental income. Further, each spouse is required to report the total amount of income received from all jointly owned property.

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

cc: Martha Gonzalez, Elections