



July 30, 2007

Theresa Masson
Department of Consumer Services
140 West Flagler
Suite 901
Miami, FL 33130

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ARDYTH WALKER
Staff General Counsel

RE: REQUEST FOR ADVISORY OPINION RQO 07-24

Dear Ms. Masson:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 25, 2007 and rendered its opinion based on the facts stated in your request.

You requested an opinion regarding whether you are required to file an outside employment disclosure form for serving as a director in a corporation.

In your request, you advised the Commission that you have worked for Miami-Dade County for twenty-one years. In the last three years, you have served as an officer in a small investment company. In past years, you received a salary from the company. In 2006, the corporation had no activity but is still listed as an active corporation in state records. In 2007, you will not receive a salary from the company or engage in any employment activity.

The Commission found that the Conflict of Interest and Code of Ethics requires you to file an outside employment disclosure form for 2006 because you were still an employee of the corporation. However, you are not required to seek approval for outside employment in 2007 if you do not work for the corporation or receive a salary. Section 2-11.1(k) (2) provides that " all full-time

County and Municipal employees engaged in any outside employment for any person, firm, corporation or entity other than Miami-Dade County, or their respective municipality or any of their agencies or instrumentalities shall file under oath, an annual report indicating the source of the outside employment, the nature of the work being done pursuant to same and any amount or types of money or other consideration received by the employee from said outside employment. " The provision requires disclosure even if the employee does not receive a salary since the provision requires disclosure of non-monetary consideration.

Accordingly, since you were an employee in 2006, you are required to file a disclosure form even if you did not receive money as a result of the outside employment. However, you are not required to seek approval or file disclosure for 2007 if you are no longer an employee of the corporation and do not receive any benefit as an officer.

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,

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

ROBERT MEYERS
Executive Director