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STAFF GENERAL COUNSEL

February 25, 2010

Ian Moffett, Director  
T.A.M.E., INC.  
1112 Weston Rd., Suite #141  
Weston, FL 33326

Re: RQO 10-03, Outside Employment

Dear Major Moffett:

The Miami-Dade Commission on Ethics met today in public session and found that no conflicts of interest are created under the City or County ethics ordinances for you as a City of Miami Police Major in the Miami Police Training Department to engage in outside employment with T.A.M.E., INC., a privately owned company that provides training for law enforcement and related personnel.<sup>1</sup> However, ultimate approval of outside employment resides with your department supervisors.

You stated that T.A.M.E., INC., has no contracts with the City of Miami nor with any City vendors. Additionally, the company does not provide services within the City of Miami jurisdiction. Finally, you asserted that you conduct all business for T.A.M.E., INC., during vacation time and days off, when you are not working for the City. You have stated that you will maintain these business restrictions as long as you are employed by the City of Miami.

The Ethics Codes governing your actions are the following:

Under the City of Miami Code at § 2-612, you are not allowed to enter into any contract or transact any business with the City or with any person or agency acting for the City. Additionally, you are prohibited from representing your company before the Miami Police Department.<sup>2</sup>

Under the Miami-Dade County Code at § 2-11.1 (j), you are prohibited from engaging in outside employment that would impair your independence of judgment in the performance of your public duties.

Under the Miami-Dade County Code at § 2-11.1 (k)(2), you must submit a "Request for Outside Employment" statement annually to the City Clerk, indicating your supervisors' approval of your outside employment, and file an "Outside Employment [Income] Statement" with the City Clerk by July 1 of each year, indicating your outside employment income and other related information.

<sup>1</sup> T.A.M.E., INC., is owned jointly by you and Sergeant William Tagle of the Miami-Dade Public Schools Police Department.

<sup>2</sup> These prohibitions may be waived under certain conditions by a 4/5 vote of the City Commission at a public meeting. See City of Miami Code § 2-614.

Additionally, because the work you conduct for the Miami Police Department is similar to the work of your private company, the Ethics Commission advises, and you have agreed, that you will continue to adhere to the following provisos:

- T.A.M.E., INC., will not provide services within the City of Miami jurisdiction.
- You will conduct all business for T.A.M.E., INC., during vacation time and days off, when you are not working for the City of Miami.
- You will never use government resources to conduct outside employment. Government resources include, but are not limited to, government-purchased supplies and equipment, government services, such as secretarial services, and teaching resources developed by you while on City time.
- You will not use your official position to secure special benefits or privileges for T.A.M.E., INC.

This opinion construes the City of Miami Ethics Code and the Miami-Dade Conflict of Interest & Code of Ethics Ordinance, but is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact me at 305 579-2594 or Victoria Frigo at 305 350-0601 if we can be of further assistance in this matter.

Sincerely,



ROBERT MEYERS  
Executive Director