

Meyers, Robert (COE)

ING 07-94

From: Meyers, Robert (COE)
Sent: Thursday, June 14, 2007 2:32 PM
To: Vital, Jorge (DP&Z)
Subject: Your Request for Opinion

Dear Mr. Vital,

I received your request for an opinion on June 4, 2007 and I inadvertently deleted your e-mail. I kept a hard copy of it and I also have a copy of the findings of my investigative staff regarding your position with the County and your interest in starting a home inspection business. You explained to my staff that your home inspection business will consist of inspecting electrical and plumbing systems and roofing prior to sale. Your clients will be homeowners and you do not plan on conducting this work for developers. As a Zoning Evaluator 2, you perform site plan reviews, inspect properties for zoning code violations, review the reports of inspectors and make recommendations.

Your work for the County does not appear to directly conflict with your home inspection business, but there are a few caveats I want to bring to your attention. You have to be extremely careful in terms of the marketing of your private business. It would be improper for you to mention your private business to those homeowners you come into contact with as Zoning Evaluator. Furthermore, you should refrain from discussing your private business with developers you deal with as a County employee as well. Finally, if your home inspection business requires you to interact with the County on behalf of a homeowner-client, you can only meet with County personnel regarding routine matters.

In conclusion, there is nothing in the county's Conflict of Interest and Code of Ethics Ordinance that absolutely prohibits you from starting your business, but you need to be mindful of the areas of concern that I have identified above. Please also understand that you must receive permission from your director before you commence your outside employment and you must report the income the business generates by filing the appropriate forms.

If you have any questions, feel free to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust
(305) 350-0613

6/14/2007

Meyers, Robert (COE)

From: Batista, Sylvia (COE)
Sent: Wednesday, June 13, 2007 3:44 PM
To: Murawski, Michael P. (COE); Meyers, Robert (COE)
Subject: Jorge Vital - Advisory Opinion

Mr. Vital came in for an interview about his projected outside employment and how it may conflict with his county duties as a Zoning Evaluator 2. Mr. Vital explained that his position as a Zoning Evaluator 2 includes the following duties:

1. Performs site plan reviews;
2. writes recommendations based on his meeting with the director of P&Z;
3. director makes recommendations and based on those recommendations he makes recommendations on the plan;
4. the Zoning inspector inspects the properties for zoning code violations, what is around the property, height of buildings around the subject property, uses around the property to make sure that it is compatible; and
5. makes recommendations based on inspector's report.

Mr. Vital plans on starting a home inspection business where he would inspect the electrical and plumbing systems as well as the roof and termites of a particular home prior to its sale. Mr. Vital stated that he would be dealing with homeowners and not developers.

Sylvia

-----Original Message-----

From: Murawski, Michael P. (COE)
Sent: Thursday, June 07, 2007 1:03 PM
To: Batista, Sylvia (COE)
Subject: RE: Question

Sure

-----Original Message-----

From: Batista, Sylvia (COE)
Sent: Thursday, June 07, 2007 12:28 PM
To: Murawski, Michael P. (COE)
Subject: RE: Question

Should I get a K number for this?

-----Original Message-----

From: Murawski, Michael P. (COE)
Sent: Wednesday, June 06, 2007 2:37 PM
To: Batista, Sylvia (COE)
Cc: Meyers, Robert (COE)
Subject: FW: Question

Sylvia:

Lets discuss.

Thanks

-----Original Message-----

From: Ethics (COE)
Sent: Wednesday, June 06, 2007 2:34 PM
To: Murawski, Michael P. (COE)

Subject: FW: Question

Mike,

Can you have one of the investigators talk to Mr. Vital to find out exactly what encompasses the duties of a Zoning Evaluator 2? It appears he performs inspections and what differentiates the inspections he does with those defined as home inspections.

Thanks,

Robert

From: Vital, Jorge (DP&Z)
Sent: Monday, June 04, 2007 4:51 PM
To: Ethics (COE)
Subject: Question

To Whom It May Concern:

I am currently working for the Zoning Evaluation Section with the Department of Planning & Zoning as a Zoning Evaluator 2. My question is regarding outside unemployment. May I establish a home inspection business and work as a home inspector while working for the County? My exact duties as a home inspector will consist of examining the home's roof, plumbing, electrical system, a/c unit, water heater, etc. These types of inspections do not include Zoning Code inspections, and I will not interact with any other County employees including all face-to-face encounters as well as all written communications. I will solely offer my service to residential property owners that request a simple home inspection. Additionally, I will be conducting these inspections during weekends or after County's working hours. Please advise.

Thank you,

Jorge Vital, Zoning Evaluator II
Miami-Dade County Department of Planning & Zoning
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