

Date: August 2, 2007

To: Carl Harrison (DP&Z)
Lynne Talleda (DP&Z)

From: Victoria Frigo (COE)

Subject: INQ 07-123
Potential Conflicting Outside Employment
Miami-Dade County Conflict of Interest & Code of Ethics at § 2-11.1 (k)

FACTS

In your email to our office on July 31, 2007, you requested advice about your ability to engage in outside employment. The facts as we understand them are as follows:

1. You work as a Zoning Services Plans Processor Analyst. Included among your duties, you review site plans and zoning histories, analyze and interpret zoning and other land-use regulations, evaluate applications, make recommendations, and negotiate with the public on zoning matters.
2. Your outside employment deals with the rental of four properties within Miami-Dade County.

RECOMMENDATION: CLOSELY LIMIT AND MONITOR ACTIVITIES

Your position with the County, in and of itself, carries with it a heightened exposure to conflicts because you are regularly subjected to public influence. Added to this, owning private rental properties in the same jurisdiction where a County employee conducts County business presents opportunities to exploit one's government position to further private gain. For government to function properly, government employees must comport themselves independently, impartially, and above reproach.

Consequently, if your supervisors approve your rental business as outside employment, we suggest they strictly limit and closely monitor your County activities to prevent your involvement in zoning decisions that would affect your rental properties. At your supervisors' discretion, additional safeguards owing to the particular nature of your work may also be appropriate.

OUTSIDE EMPLOYMENT POLICY

The principal underlying limitations on outside employment is that public employees are, above all, agents of the people. Public employment should never be used for private gain, except for compensation provided by law.

At the same time, public employees should not be denied the same opportunities available to all other citizens to acquire and retain private economic interests—except, of course, when those outside interests conflict with public duties.