

September 4, 2008

Jose Behar, Sergeant  
Special Units Division  
City of Miami Police Department  
1701 NW 30<sup>th</sup> Ave., Suite 105A  
Miami, FL 33125

**Via Hand Delivery**

Re: INQ 08-145, Outside Employment  
Conflict of Interest & Code of Ethics at §§ 2-11.1 (j), (k)

Dear Sergeant Behar:

This is in response to your letter of September 3, 2008, in which you asked if outside employment with Elite Protection, Inc.,<sup>1</sup> would create ethics conflicts for you as a City of Miami Police Sergeant assigned to the Special Events Unit.

After conferring with our Executive Director, Robert Meyers, we are of the opinion that outside employment with Elite Protection, Inc., as you have described, does not create ethics conflicts.

The following are the facts as we understand them:

1. You have been offered a part-time job with Elite Protection, Inc., a company that provides security consulting to professional sports teams and their players.
2. Your responsibilities with Elite Protection, Inc., would include security consulting, personnel placement, and oversight of secure travel arrangements.
3. Elite Protection, Inc., does not do business with the City of Miami.

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<sup>1</sup> Elite Protection, Inc., is currently listed as an inactive corporation in the State of Florida. Prior to 2004, David L. Holcombe was listed as its President and Registered Agent. Contact information is now 8935 SW 162<sup>nd</sup> Terrace, Miami, FL 33157, phone 305.775.4328.

You have agreed that all work you perform for Elite Protection, Inc., will occur outside the jurisdiction of the City of Miami on your days off or on pre-approved time off. Additionally, no City of Miami resources will be used while you are in the employment of Elite Protection, Inc.

These conditions conform with the Miami-Dade County Code of Ethics & Conflict of Interest Ordinance at § 2-11.1 (j), which states—

No [municipal employee] shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties.

Please note that you are required, each year, to obtain permission to engage in outside employment from your supervisors and to file, under oath, a report indicating the source/s of your outside employment, the nature of the work being done, and the consideration received. *See* the Ethics Code at § 2-11.1 (k)(2).<sup>2</sup>

Also note that individual municipal departments may impose more restrictive requirements on their staffs than those found in the County Ethics Code.

If you have further questions, please feel free to contact me.

Sincerely yours,

VICTORIA FRIGO  
Staff Attorney

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<sup>2</sup> Forms for requesting permission to engage in outside employment and for disclosing sources and income related to outside employment are available by linking to the “Commission on Ethics” at [www.miamidade.gov](http://www.miamidade.gov).