

**Meyers, Robert (COE)**

INQ 08-136

**From:** Meyers, Robert (COE)  
**Sent:** Friday, August 15, 2008 11:29 AM  
**To:** Hall, Beverly (GSA)  
**Subject:** Outside Employment

Beverly,

You sent me an e-mail on Wednesday, August 6 and I inadvertently deleted it. I did, however, keep a hard copy. You state that some confusion exists regarding the definition of routine administrative work and you cite INQ 5-29 and INQ 05-05. You ask specifically about on-site inspections and the County employee being present at the time of inspection. You also want to know what restrictions, if any, are placed on employees with outside employment if there are problems associated with the plan they signed for their private client.

Filing documents and other paperwork that need to be submitted before a project can be approved would be routine administrative work. An employee with outside employment may interact with County staff if the purpose of the meeting is to discuss a form being filled out incorrectly, or if information/documentation is missing from the application and other similar issues. However, if the employee with outside employment is appearing in an attempt to convince another county employee to sign off on a document or to approve a plan, the employee with outside employment has gone beyond performing a routine administrative function for a third party.

I am not certain I understand your inspection question. If you are asking me whether the employee with outside employment can be present at the inspection and speak to the inspector, it depends on the content of the conversation. If he is simply inquiring about what needs to be done to have the project pass inspection, that's okay. However, trying to convince the inspector to take a particular course of action would not be permissible. Once again, it goes back to the employee having the right to ask questions or receive information from other county employees, but not to advocate for his/her third party clients.

Regarding the question about problems that the County identifies with plans signed by a County employee with outside employment, the rule is that the County can point out what the problems are to the employee and explain what needs to be done to resolve the problem. If the employee with outside employment engages in a dialogue about why the County's position is incorrect, that would constitute an appearance and violate the rule. If this situation were to arise where a meeting was going to be scheduled to discuss problems with a permit, application or inspection, someone other than the County employee ought to be present to avoid a violation of the ethics code.

I hope I have answered your questions. If not, please do not hesitate to get back to me at your convenience.

Thanks,

Robert  
Robert Meyers, Executive Director  
Miami-Dade Commission on Ethics and Public Trust

8/15/2008

**Meyers, Robert (COE)**

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**From:** Hall, Beverly (GSA)  
**Sent:** Wednesday, August 06, 2008 2:00 PM  
**To:** Meyers, Robert (COE)  
**Subject:** RE: Outside Employment

Robert,

We've had some confusion regarding what constitutes routine administrative work as it relates to outside employment (INQ 5-29 and INQ 05-05). It is my understanding that employees who have their own business cannot pull permits, file documents, qualify plans and request information from the County on behalf of a third party based on your email response below. We still seem to have some confusion in light of the earlier opinions referenced above. Will you please clarify? Also, what about on-site inspections and the County employee being present at the time of the inspection? If there is a problem with the plans that were signed by the County employee, can the employee call or visit the Building Department and get clarification?

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**From:** Meyers, Robert (COE)  
**Sent:** Thursday, March 08, 2007 4:57 PM  
**To:** Hall, Beverly (GSA)  
**Subject:** RE: Outside Employment

You are correct.

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**From:** Hall, Beverly (GSA)  
**Sent:** Thursday, March 08, 2007 11:40 AM  
**To:** Meyers, Robert (COE)  
**Subject:** FW: Outside Employment

Mr. Meyers,

Based on my understanding of what you've said, I would say "yes" to the question below, but I'm not sure. Can you please confirm? Thanks.

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**From:** Norris, Wendi (GSA)  
**Sent:** Thursday, March 08, 2007 11:31 AM  
**To:** Hall, Beverly (GSA)  
**Cc:** Perez, Jose (GSA)  
**Subject:** RE: Outside Employment

So if he delivers the plans and interacts with the building department, then it would be in violation; but if he's simply signed the plans which someone else is submitting that's OK?

**Wendi J. Norris**

Director  
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8/6/2008

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**From:** Hall, Beverly (GSA)  
**Sent:** Thursday, March 08, 2007 11:18 AM  
**To:** Norris, Wendi (GSA)  
**Cc:** Perez, Jose (GSA)  
**Subject:** FW: Outside Employment

Wendi,

This is the answer from Mr. Meyers regarding the outside employment for Carlos Placeres as it relates to qualifying plans. I am forwarding his request back to you for approval/disapproval.

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**From:** Meyers, Robert (COE)  
**Sent:** Wednesday, March 07, 2007 5:19 PM  
**To:** Hall, Beverly (GSA)  
**Subject:** RE: Outside Employment

Ms. Hall,

As long as the employee is not doing any work within the County on behalf of his client, it would not amount to conflicting employment and such outside employment would not violate the ethics ordinance.

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

Robert Meyers

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**From:** Hall, Beverly (GSA)  
**Sent:** Monday, March 05, 2007 4:48 PM  
**To:** Meyers, Robert (COE)  
**Subject:** FW: Outside Employment

The Building Department reviews the plans that we sign and seal (see below). Thanks.

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**From:** Perez, Jose (GSA)  
**Sent:** Monday, March 05, 2007 3:12 PM  
**To:** Hall, Beverly (GSA)  
**Subject:** RE: Outside Employment

They review the plans that we sign and seal. Normally what I have done in the past is that I don't prepare plans for the municipality I work for. At Hialeah I abstained from doing work within the City. At Dade County I stay way from work, even though IG allowed us to perform the work but there is an additional form that we have to sign. I can't remember seeing it this year.

**Jose R. Perez, AIA, Architect**  
Director  
General Services Administration

8/6/2008

Design and Construction Services Division  
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**From:** Hall, Beverly (GSA)  
**Sent:** Monday, March 05, 2007 12:34 PM  
**To:** Perez, Jose (GSA)  
**Subject:** FW: Outside Employment  
**Importance:** High

Jose,  
Can you give more information on the nature of the contact with the Building Department.? Thanks.

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**From:** Meyers, Robert (COE)  
**Sent:** Monday, March 05, 2007 12:19 PM  
**To:** Hall, Beverly (GSA)  
**Subject:** RE: Outside Employment

Ms. Hall,

If the employee has contact with County officials or employees, other than to discuss routine matters, such contact would be in violation of our ethics opinions. I understand from Mr. Perez' e-mail that he believes qualifying plans means having contact with building department officials, but I need to know the nature of the contact before I can give you a final opinion.

Thanks,

Robert Meyers

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**From:** Hall, Beverly (GSA)  
**Sent:** Monday, March 05, 2007 10:17 AM  
**To:** Meyers, Robert (COE)  
**Subject:** FW: Outside Employment

Mr. Meyers,

Here's some more insight to the process. Please advise if we are violating any policy. Thanks.

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**From:** Perez, Jose (GSA)  
**Sent:** Monday, March 05, 2007 10:02 AM  
**To:** Camero, Jose (GSA); Hall, Beverly (GSA)  
**Subject:** RE: Outside Employment

Beverly the employee that qualifies plans for others in the County must have contact with building department officials at one point or another.

**Jose R. Perez, AIA, Architect**  
Director  
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8/6/2008

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**From:** Camero, Jose (GSA)  
**Sent:** Friday, March 02, 2007 11:35 AM  
**To:** Hall, Beverly (GSA)  
**Cc:** Perez, Jose (GSA)  
**Subject:** RE: Outside Employment

Beverly;

The word qualifying throws me off but a design professional that is registered with the Department of Professional Regulation Board will be responsible for designing/signing and sealing plans. These plans must have been prepared by him or under his supervision. This entails meetings with clients, site visits, preparing the construction documents, assisting in permitting and site visits during the construction phase.

If you need any more information, let me know.

Thanks

**Jose S. Camero, RA, Architect**

Manager A/E

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**From:** Hall, Beverly (GSA)  
**Sent:** Friday, March 02, 2007 10:28 AM  
**To:** Camero, Jose (GSA)  
**Subject:** FW: Outside Employment

Jose,

Can you please advise as to what is involved in qualifying/sealing plans? I know that Jose Perez has been very busy and I need to get an answer for Wendi. Thanks.

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**From:** Hall, Beverly (GSA)  
**Sent:** Tuesday, February 27, 2007 3:29 PM  
**To:** Perez, Jose (GSA)  
**Subject:** FW: Outside Employment

Jose,

Can you shed some light on what is involved in qualifying plans (see emails below)? Does it involve face-to-face meetings? I'm trying to provide a response to Wendi's question. Thanks.

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**From:** Meyers, Robert (COE)

8/6/2008

**Sent:** Tuesday, February 27, 2007 3:18 PM  
**To:** Hall, Beverly (GSA)  
**Subject:** RE: Outside Employment

Ms. Hall,

Sorry for not getting back to you sooner. What exactly is involved in qualifying plans? If it requires face-to-face meetings with County personnel on anything other than routine administrative matters, it would be prohibited as well.

Robert Meyers

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**From:** Hall, Beverly (GSA)  
**Sent:** Thursday, February 15, 2007 5:27 PM  
**To:** Meyers, Robert (COE)  
**Subject:** Outside Employment

Mr. Meyers,

We have a Senior Professional Engineer who has his own business, consulting engineers and providing construction management services. He also qualifies plans. The opinion we received from you stated that filing of documents, seeking a permit or requesting information from the County on behalf of a third party will be prohibited by County employees under this interpretation. However, it doesn't mention qualifying plans. Please advise. Thank you.

*Beverly A. Hall, PHR*  
*Senior Human Resources Manager*  
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