

Ethics (COE)

INQ 10-167

From: Ethics (COE)
Sent: Thursday, September 02, 2010 2:37 PM
To: Ryan, Timothy (MDCR)
Subject: RE: Opinion Request

Tim,

As a general proposition, it seems perfectly acceptable for you to have outside employment as a consultant. I understand that you are considered an expert in your field and your experiences in corrections over the years make you a valuable commodity. Moreover, I see nothing wrong with you offering an opinion about the Miami-Dade County jails in the 1970's, although I don't know why such testimony/expert advice would be necessary in this matter due to the fact the case against Miami-Dade was settled some time ago. However, I believe it would be a conflict under the County's ethics code for you to be paid for testimony you give concerning the current state of affairs of the jails in Miami-Dade County. As I see it, your testimony and opinions about the Miami-Dade County jails as the conditions exist today are part of your duties as director of the department and you should not receive additional compensation for such testimony. Therefore, as long as you restrict your role in this case to matters unrelated to the correctional facilities in Miami-Dade County since you were hired, there would be no conflict of interest.

If you have any question or wish to discuss in greater detail, please contact me at your convenience.

Thanks,

Robert

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

From: Ryan, Timothy (MDCR)
Sent: Wednesday, September 01, 2010 2:45 PM
To: Ethics (COE)
Subject: RE: Opinion Request

Hi Robert:

I may not have to testify at all. Since the county is really no longer a defendant in the case, they said it will most likely be "expert advice" about then and now. However, they did say that I could end up testifying, so it still is a little unclear. However, first is just advice.

Yes, I will be compensated on an hourly basis, but the details of this will not settled until my ability to assist them is allowed. (Note: "Their" legal advisors have said that since the County is out of the case my participation should not be a problem, but...)

I have discussed this with my Senior Legal Advisor, Tyrone Williams, who discussed with CAO staff (Unknown who as he is not available today).

If you would like to talk to the law firm representative, please feel free to contact Jared Dichek at 305-374-7846.

Thank you, Tim

From: Ethics (COE)

9/2/2010

Sent: Wednesday, September 01, 2010 12:43 PM
To: Ryan, Timothy (MDCR)
Subject: RE: Opinion Request

Tim:

Thank you for your request for opinion. Before I can give you an opinion, I need a better understanding of your role in this matter. Are you going to be testifying about general practices in correctional facilities around the country in the 1970's, about the conditions within the Miami-Dade County jails then and now, or some specifics about this case? Also, I assume that you will be paid for your testimony. Is that true? Finally, who did you speak with in the County Attorney's Office?

Thanks,

Robert Meyers

From: Ryan, Timothy (MDCR)
Sent: Monday, August 30, 2010 10:00 AM
To: Ethics (COE)
Cc: Williams, Tyrone (MDCR)
Subject: Opinion Request

Dear Ethics Commission:

As a county employee I have requested and received an outside work permit to provide consultant services. I have been doing so for about two years now. As part of this, I have been requested to perform a unique service, in a special area, for which I would like to request your advice.

Specifically, the Miami Law Office of Kubicki Draper, who is representing the City of Miami and some MPD Police Officers relative to an event that apparently occurred in the early 1970s, has asked me to provide expert testimony relative to the handling of mentally ill inmates in our jails at that time. Although I know little of the details of the case yet, I have been made aware that the female plaintiff in the case was arrested by MPD on the steps of the court house, kept in our jails for over 5 days, and then released as the case was dismissed. In 1976 the County, along with the City and MPD, was sued relative to this event and the County only settled the allegations for \$15,000; however, the City, etc. did not and it has been outstanding ever since. Apparently, it is going forward these many years later and the law firm is of the belief that it will need some assistance as noted above.

I have discussed my participation with the CAO and they indicate that, since the case is settled, they do not have an objection from their office. However, given recent inquiries into my activities, it was suggested that I seek your office's advice before I accept. Pursuant to that, I would respectfully request your opinion in this matter.

Thank you, Tim Ryan

9/2/2010