

Ethics (COE)

From: Ethics (COE)
Sent: Tuesday, August 16, 2011 1:06 PM
To: 'Phillips, Steve'
Subject: RE: Outside Employment- Disclosure Statement/ Conflict of Interest

Dear Lieutenant Phillips:

Thank you for your request for opinion. I will address your questions one-by-one:

- 1) Will I be able to appear off-duty as an uncompensated "guest speaker" as requested by the University?

Answer: There is no provision in the County's ethics code that would ban you from appearing at the University as a guest speaker.

- 2) Would a request for Outside Employment need to be submitted to my employer?

Answer: No, the Miami-Dade Ethics Commission has issued many opinions that uncompensated activities do not constitute outside employment.

- 3) Would my ability to occasionally perform enforcement functions as a Night Club Inspector be compromised or disallowed as a conflict of interest if I were to present the one hour class as described?

Answer: Giving a one hour lecture on the inspection of night clubs would not create a conflict of interest when you are called on in your official capacity to perform enforcement functions at Miami Beach night clubs.

- 4) As far as the County is concerned, would I require permission from my employer under the stipulations aforementioned?

Answer: As I stated above, your FIU presentation is not outside employment and you would not need approval for this activity. However, if the City has rules and regulations with respect to outside activities (compensated and uncompensated) performed off-duty by its employees, then you would be required to comply with the City Code.

- 5) Would I be permitted to share the City of Miami Beach Policies and Procedures for conducting Night Club inspections with the audience or would permission need to be obtained from my employer?

Answer: If these rules are considered public records, then you can share them with the audience. If sections of the manual are exempt or the entire manual is exempt from public disclosure, you would absolutely need permission from your employer to share the information.

- 6) If I am not able to share the City's Policies and Procedures but still allowed to give the presentation, may I lecture on material obtained from other sources?

Answer: This isn't a question that can be answered by either the county ethics code or Florida's ethics statute. Therefore, I am not going to offer an opinion on this subject.

If you wish to discuss the above, please do not hesitate to contact me at your convenience.

Sincerely,

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

From: Phillips, Steve [mailto:StevePhillips@miamibeachfl.gov]
Sent: Monday, August 15, 2011 2:03 PM
To: Ethics (COE)

8/16/2011

Subject: RQO: Outside Employment- Disclosure Statement/ Conflict of Interest

To Whom It May Concern,

I recently received a request from an adjunct faculty member of Florida International University to give a single, 1 hour classroom presentation on the inspection of night clubs. I am an alumni of FIU and no compensation, expenses or "gifts" as defined by the Ethics Code will be received. The presentation is to be given at a University campus located well outside the jurisdiction of the City of Miami Beach; although I am told a few Night Club owners and managers from within the jurisdiction of the City may be attending the class. I would be off-duty from my present job with the City of Miami Beach, non-uniformed in civilian clothing.

I am a 25 year veteran of the Fire Department and a subject matter expert in the field of Night Club inspections. While I am still employed by the Fire Department, I am no longer assigned to the Fire Prevention Division where I supervised fire inspectors for 6 years and wrote the present policy for conducting night club inspections. I now am assigned to the Training Division where I recently authored a Night Club Inspector Training Program which has been approved by the Florida State Fire College for 10 continuing education unit credit hours. On occasion, I still conduct Night Club Inspections for the City, enforcing State fire and local municipal Life-Safety Code.

I am requesting an opinion on the following:

- Will I be able to appear off-duty as a uncompensated "guest speaker" as requested by the University?
- Would a request for Outside Employment need to be submitted to my employer?
- Would my ability to occasionally perform enforcement functions as a Night Club Inspector be compromised or disallowed as a conflict of interest if I were to present the 1 hour class as described?
- As far as the County is concerned, would I require permission from my employer under the stipulations aforementioned?
- Would I be permitted to share the City of Miami Beach Policies and Procedures for conducting Night Club inspections with the audience or would permission need to be obtained from my employer?
- If I am not able to share the City's Policies and Procedures but still allowed to give the presentation, may I lecture on material obtained from other sources?

I thank you for your time and consideration,

MIAMIBEACH

Steven M. Phillips, *Lieutenant*

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8/16/2011