

# MEMO COMMISSION ON ETHICS & PUBLIC TRUST

**TO:** Elizabeth Hernandez, City Attorney for the City of Coral Gables

**COPY:** Robert Meyers

**FROM:** Victoria Frigo

**DATE:** September 6, 2005

**RE:** RQO 05-145 Part-time city inspector working for private developer within city

---

Dear Liz:

In e-mails from Sharon Greaux of Sept. 2 and Sept. 6, 2005, you ask the following:

**QUESTION:** May a part-time building inspector for the City of Coral Gables consult for a private development company that is presenting plans to the city for approval?

**ANSWER:** First, regarding part-time employment, part-time employees are subject to the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance. In RQO 04-48, the Ethics Commission opined that to exclude part-time employees would be contrary to the existing broad interpretation of the Ethics Code and would create an exemption for individuals who, for all intents and purposes, are working for a municipality and performing official municipal duties. Consequently, the part-time building inspector is subject to the Code, including Sections (j) *Conflicting employment prohibited* and (k) *Prohibited outside employment*.

Second, under Section (j), a municipal employee is not prohibited from working as a consultant for a developer in the city as long as he does not, in his official capacity of city inspector, oversee or review items presented to the city by his outside employer. Additionally, the municipal employee should not attempt to influence others in the city who may have responsibilities for reviewing projects submitted by his outside employer.

This prohibition is intended to maintain independence of judgment in the performance of one's public duties and is consistent with the opinion rendered in RQO 04-167. There, the Ethics Commission prohibited engineers employed by the Water and Sewer Department from inspecting the work of construction companies that had hired them part-time.

Additionally, as has been detailed in RQO 04-186, the city inspector is subject to the following restrictions:

- no use of city resources or time in furtherance of his outside employment
- no disclosure of confidential information acquired in his official capacity in the city (§ 2-11.1 (h))
- no use of his official position to secure special benefits or privileges for his outside employer (§ 2-11.1 (g))
- no representations or appearances before any city board or agency on behalf of the developer with regard to matters connected to his outside employment.

(more)

Finally, as stated in Section (k)(2) of the Ethics Code, the city employee must—

- obtain approval of his outside employment from his department director
- file disclosure forms stating his outside employment income with the city clerk by July 1 of each year.