

Meyers, Robert (COE)

INQ 06-131

From: Meyers, Robert (COE)
Sent: Monday, September 11, 2006 1:06 PM
To: Martinez, Rafael (DHS)
Subject: RE: request for opinion follow up

Dr. Martinez,

I spoke to our Advocate – he is the person responsible for prosecuting cases before the Ethics Commission – and he would not be inclined to file an ethics complaint against you for the actions you describe below. Unless conduct amounts to an actual conflict of interest, as opposed to an appearance of a conflict, it is not a violation of the county's Conflict of Interest and Code of Ethics Ordinance. Obviously, there is nothing suspect about teaching as an adjunct faculty at Barry, but as a practical matter you should not have any involvement whatsoever in any marketing or outreach initiatives by Barry University in its efforts to expand its course offerings to County employees. I realize you had nothing to gain from the meeting you organized but others may not see it that way. In the future, you should limit your contact with Barry University as a County employee as long as you continue to teach there as an adjunct.

If you have any questions, please contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director
 Miami-Dade Commission on Ethics and Public Trust
 (305) 350-0613

From: Martinez, Rafael (DHS)
Sent: Monday, September 11, 2006 11:10 AM
To: Meyers, Robert (COE)
Subject: request for opinion follow up

Mr. Meyers:

First, my apologies if you already received this 'request for opinion' which I sent last week. Since I used the COE website e-mail address, I wanted to make sure it arrived in your hands. I have previously consulted you on matters of the Youth Crime Task Force. However, I am now facing a delicate and sensitive situation with my conduct in the Department of Human Services. As the ethics officer for DHS it is very important for me to clear my name as I consider ethical behavior to be the foundation of good public service. I appreciate your response at your earliest convenience.

Thank you.
 Dr. Rafael Martinez
 Director
 Youth Crime Task Force
 Department of Human Services

Previously sent e-mail:

I am faced with a situation which requires your opinion:

I am a Special Projects Administrator I employed in the Department of Human Services. I am the Director of the Youth Crime Task Force and serve as well as the Department's Training Coordinator. My office is located at the Martin Luther King Plaza – 2525 N.W. 62 Street Miami, Florida. Several Miami Dade County Department have offices in this building. These are the Department of Corrections and Rehabilitation, the Solid Waste Department, Department of Human Services and a satellite office of Team Metro.

9/11/2006

As an approved outside employment, I am an adjunct faculty at Barry University School of Adult and Continuing Education.

I was recently approached by staff from Barry University to see if I could coordinate a meeting with the training coordinators of the County departments represented in this building. The intent of the meeting was for Barry to set up a couple of tables in a conference room area and offer employees that work in the building literature regarding the various degree programs offered by the University. I proceeded with arranging for Barry University staff to meet the training commander for the Department of Corrections and Rehabilitation and the Solid Waste Department. An agreement was reached to sponsor an event on August 1, 2, 3, where Barry representatives would be available to answer questions and provide literature. The staff from the Department of Corrections made a reservation for the room to be used and reviewed and approved the flyer distributed to employees that announced this event.

At no point did Barry University offer me any courses in exchange for this event coordination. As the Department of Human Services Training Coordinator I saw appropriate to arrange for this professional development event.

On September 6, I was presented with a Record of Counseling in which a violation of AO 7-1 and the Conflict of Interest and Code of Ethics Ordinance was cited:
"Due to his outside employment with Barry University as an adjunct professor, Dr. Martinez's involvement in this activity gives the appearance of a possible conflict of interest"

My question: Did I indeed violate the County AO 7-1? I need your opinion to proceed with appealing this misrepresentation of my character and integrity.

Rafael Martinez, Ed.D.
265-84-7214