

Meyers, Robert (COE)

INQ 06-23

From: Meyers, Robert (COE)
Sent: Thursday, February 16, 2006 3:37 PM
To: Smith, Robert E. (Airport)
Cc: Lee, Anne Syrcle (Airport); Skinner, Arthur D. (COE); Bielovucic, Yolanda (COE)
Subject: Ethics opinion

Mr. Smith,

I am in receipt of a fax dated February 9, 2006 wherein you request an opinion from the Miami-Dade Commission on Ethics and Public Trust concerning possible outside employment. Based on the facts you have given our office, you indicate that you are employed by the Aviation Department as an Environmental Inspector, which means you monitor airport property for compliance with environmental laws and regulations. You wish to accept outside employment as a security guard for Avborne, a tenant at the airport.

I have spoken to Anne Lee about your request and she advised me that the Department has turned down your request for such outside employment at several levels, citing possible conflicts with your County position. I also understand that you spoke to one of my investigators and you didn't see any potential conflicts that could arise if you accepted this position.

Before giving you an opinion, let me be clear that the Aviation Department is not bound by our opinion. The Department makes the final determination and, in essence, can take a position contrary to our opinion. This is based upon the fact that our office evaluates these requests from the perspective of whether there is a legal conflict between your secondary employment and your County employment. The Department, on the other hand, has the right to consider the request from the standpoint of how such outside employment may impact the employee's performance of his/her County duties – more of a managerial analysis.

If you accept outside employment with Avborne there would be a clear conflict if you were assigned the responsibility as a County employee of inspecting Avborne's worksite. The argument could be made that you might ignore a compliance issue with Avborne because you would not want to jeopardize your employment with the company. Having said that, if our office can be assured by the Aviation Department that another inspector who works for the Aviation Department will be responsible for inspecting Avborne's site, that you have no authority over that inspector, and that you, under no circumstances, would be placed in a position to investigate Avborne, then there appears to be no violation of the conflicting employment provision of the County Conflict of Interest and Code of Ethics Ordinance.

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

Sincerely,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics

2/16/2006

February 9, 2006

Mr. Robert Meyers, Director
Miami-Dade County Ethics Commission
19 West Flagler Street, Suite 209
Miami, Florida 33130

VIA FAX (305-579-0273) AND EMAIL (ethics@miamidade.gov)

Dear Mr. Meyers:

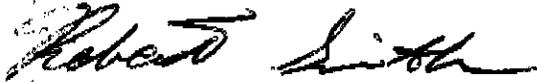
The purpose of this letter is to request an opinion from the Ethics Commission as to whether accepting outside employment with Avborne constitutes a conflict of interest with performing my duties as a County employee.

I am an Environmental Inspector at the Miami-Dade Aviation Department. My job duties include monitoring airport property for compliance with environmental laws and regulations.

I wish to accept a position as a security guard with Avborne, a tenant at Miami International Airport, as outside employment for 40 hours per week.

Thank you for your consideration of this matter. I would appreciate a prompt reply, if possible.

Sincerely,



Robert Smith
18010 N.W. 14 Avenue
Miami, Florida 33169
305-628-0135

c: Bobbie J. Phillips, Assistant Aviation Director
James O'Reilly, Union President

Meyers, Robert (COE)

From: Skinner, Arthur D. (COE)
Sent: Thursday, February 16, 2006 9:40 AM
To: Meyers, Robert (COE)
Cc: Smith, Robert E. (Airport); Bielovucic, Yolanda (COE)
Subject: Request for Opinion - Interview with Robert Smith

Robert,

Yolanda and I interviewed Environmental Inspector Robert Smith this morning. Smith told us that Avbourne is a lease holder at MIA. They perform heavy maintenance on Aircrafts. The last time that an Environmental incident occurred at the Avbourne maintenance facility was approximately 9 years ago. Including Smith there are 3 Environmental inspectors to respond to an environmental incident. The inspectors are not assigned to any specific area.

Smith's said that he will be paid \$9.00 per hour and his working hours with Avbourne are from 11PM to 7AM with Sunday and Monday off.

Smith was told by Ann Lee that the request was denied due to a direct Conflict of Interest. Smith did not understand why the job as a security officer would have a direct conflict with his job as an Environmental Inspector. Smith will try to contact you sometime today to verify if he can take the job with Avbourne because the job offer expires Friday.

If you have any questions, please call us.

Thanks,

Arthur D. Skinner, Investigator
Miami Dade County
Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 209
Miami, Florida 33130
Office: (305) 350-0638
Cell: (305) 796-3268
Airport Office: (305) 876-7150