



ETHICS COMMISSIONERS

Kerry E. Rosenthal, CHAIRPERSON
Gail A. Dotson, VICE CHAIRPERSON
Seymour Gelber
Dawn E. Addy
Brenda Rivera

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

June 16, 2006

Hector Lozado
Building Code Compliance Office
140 West Flagler Street
Suite 1603
Miami, Florida 33130

RE: INQUIRY 06-90

Dear Mr. Lozado:

I received your request for an advisory opinion regarding conflicts between your work for the Building Code Compliance Office and activation of your general contractor's license.

In your letter, you advised the Commission that you are an Investigator with the Building Code Compliance Office. The Building Code Compliance Office is charged with the responsibility of among other things, registration, certification, recertification and decertification of county and municipal construction enforcement personnel, investigations, preparation and prosecution of enforcement activities under the Building Code and approval, disapproval or conditional approval of the local use of construction products, materials or assemblies or alternate construction materials.

The Conflict of Interest and Code of Ethics ordinance permits you to use your contractor's license for projects outside of Miami-Dade County. However, you may not partner or work on projects with local contractors because of the potential that the outside work will impair your independence of

judgment in your county employment. Section 2-11.1(j) provides that "no person included in the terms defined in subsections (b) (1) through (b) (6) shall accept other employment which would impair his or her independent judgment in the performance of his or her public duties."

Since your job responsibilities include investigation of building code violations, your business association with companies subject to the department's oversight could create conflicts of interest and compromise your independent judgment. Therefore, you should not work jointly with companies that are subject to oversight and enforcement by the Miami-Dade Building Code Compliance Office. However, you may work as a sole contractor on jobs outside of the county or work with companies that do not work in Miami-Dade County. Finally, pursuant to Section 2-11.1(k), you must file outside employment forms with the Department of Elections.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 350-0616.

Sincerely Yours,


ARDYTH WALKER
Staff General Counsel