

**Meyers, Robert (COE)**

JNG 06-95

**From:** Meyers, Robert (COE)  
**Sent:** Wednesday, June 28, 2006 9:54 AM  
**To:** Guha, Hillol (DERM)  
**Subject:** RE: Ethics and Conflict of Interest Question

Dear Mr. Guha,

Thank you for your questions. Your first question is based on the following facts: You wish to have outside employment with a company with one of its main offices in Miami-Dade County and the projects that you will work on for this company will be in West Palm Beach. You seem to indicate that you have no involvement with this company in your official capacity as a DERM employee. If this is true, then I see no legal conflict under the county's Code of Ethics and Conflict of Interest Ordinance that would prohibit such outside employment. However, the Ethics Commission's opinions in the area of outside employment are not binding on county departments. Thus, the Ethics Commission could find no conflict and the Department has the authority to deny the request. Similarly, we could issue an opinion stating there is a conflict and the Department could proceed to approve the request – although this would be a fairly rare occurrence.

Regarding your second question, no conflict is created if the spouse of a county employee submits a project for review by the same department as long as the county employee has nothing to do with the project during the various stages of the project – review, approval, inspection, etc. There is no special form that I am aware of that needs to be filed. However, if the employee's spouse is seeking to contract directly with the employee's department, that is an entirely different matter. Such a relationship would be barred by the ethics code.

If you have any additional questions, please do not hesitate to contact me at your convenience.

Sincerely,

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

---

**From:** Guha, Hillol (DERM)  
**Sent:** Monday, June 26, 2006 2:40 PM  
**To:** Meyers, Robert (COE)  
**Subject:** FW: Ethics and Conflict of Interest Question

Dear Mr. Meyers,

My first question is regarding outside employment, and it is about me. I am trying to seek permission from DERM for an outside employment:

- 1) I plan to work (as outside employment and basically after regular working hours) for an environmental company with one of their main office located at Miami-Dade. I would be doing some hydrological modeling work for projects at West Palm Beach. However, I will not do any projects with the company if the projects are in Miami-Dade County.  
My supervisor thinks that there might be a conflict of interest, because the company submits remediation related application to DERM. However, I am not involved with any such task. I think that there is no conflict of interest, because the nature of work I do is different than what they submit to DERM. I am not involved in reviewing their application.
- 2) The second question is general. "Can anyone who is working for a Miami-Dade County Department and if his/her spouse submit projects to the same department for review, though the subject is not reviewing the project, does it consider conflict of interest? Does the subject need's to fill up a special form or let the authorities in the department know about it? "

I am including some emails, which relates to discussion with our HR department.

Thankyou.

Regards,

Hillol Guha, Ph.D., P.HGW, P.G.  
Groundwater Modeling Program Coordinator  
Miami-Dade County  
Department of Environmental Resources Management  
33 SW 2<sup>nd</sup> Avenue  
Miami, FL 33130-1540  
Phone: (305)372-6847  
Fax: (305)372-6759

-----Original Message-----

**From:** Guha, Hillol (DERM)  
**Sent:** Thursday, June 22, 2006 11:32 AM  
**To:** Melendez, Marcia (DERM)  
**Cc:** Mayorga, Wilbur (DERM); Lamont-Bailey, Lora (DERM)  
**Subject:** RE: Ethics and Conflict of Interest Question

Thank you Marcia. I will be talking to Robert Meyers soon. I will keep you updated, hopefully, I will get to talk with him and explain my situation and the very "grey areas" of conflict of interest. I think tomorrow is the deadline of the outside employment form submission to the department. I have been posing many questions to me about conflict of interest, such as:

- 1) If a person work for a real-estate company and his/her real-estate company submit phase-1 assessment report to DERM, and that same person gets to review the report. Does it consider conflict of interest? Lets say that person who is not reviewing right now, however, in future there is a potential. Does that consider's conflict of interest?
- 2) Lets say a person in DERM works for a restaurant (as outside employment) and his/her restaurant seek's for grease-trap permitting and the person reviews it or in future might review it. Does that consider conflict of interest?
- 3) Another situation. If a person teaches in an university/community college/or school and that institution is seeking some permit from the department and the person concern is reviewing it. Does it consider conflict of interest?

If the answers to the above questions are yes, then no one in DERM would be allowed to have outside employment as there is likely to be some type of conflict. It seems to me there are both strong for and against arguments about conflict of interest.

Again, thank you.

-----Original Message-----

**From:** Melendez, Marcia (DERM)  
**Sent:** Thursday, June 22, 2006 10:53 AM  
**To:** Guha, Hillol (DERM)  
**Cc:** Mayorga, Wilbur (DERM); Lamont-Bailey, Lora (DERM)  
**Subject:** Ethics and Conflict of Interest Question

Hi Hillol:

Regarding your below e-mail, as Lora explained to you this morning, each situation is unique. If you believe that a co-worker has violated the Miami-Dade County Code of Ethics, it is suggested that you send your inquiry with specific information to the Commission on Ethics and Public Trust, Robert Meyers, Executive Director.

You also had some concerns about Outside Employment, this question you may want to also ask Mr. Meyers for an opinion. However, you need to know that the Department has the final decision in Outside Employment Request.

If you have any additional questions please let me know.

*Marcia Melendez, Chief*

DERM, Office of Administrative Services  
305-372-6776 Fax: 305-372-6465  
www.miamidade.gov/derm/  
"Delivering Excellence Every Day"

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

-----Original Message-----

**From:** Guha, Hillol (DERM)  
**Sent:** Tuesday, June 20, 2006 3:19 PM  
**To:** Melendez, Marcia (DERM)  
**Cc:** Mayorga, Wilbur (DERM)  
**Subject:** Ethics and Conflict of Interest Question

Can anyone who is working for a Miami-Dade County Department and if his/her spouse submit projects to the same department for review, though the subject is not reviewing the project, does it consider conflict of interest? Does the subject needs to fill up a special form or let the authorities in the department know about it?