

Meyers, Robert (COE)

INQ 02-35

From: Meyers, Robert (COE)
Sent: Wednesday, July 10, 2002 3:52 PM
To: Pascual, Marsha (GSA)
Subject: RE: request for opinion

Marsha,

Sorry I haven't replied sooner. I discussed your e-mail with our general counsel and she and I have some concerns as well, but we could use some more information. First, what is the composition of the students in the class? Are they his co-workers, subordinates and can personnel from our departments or other agencies take this course? Secondly, I assume that there must be a minimum number of students who attend the class or it gets canceled. If this is true, he certainly cannot go around trying to recruit students to attend the class. I would agree with you that if his compensation is tied to the number of students in the class, and he encourages students to take the class, this could be a problem. As a general proposition, I don't find anything wrong with him and his coworkers discussing materials covered in the course as long as this is kept to a minimum.

If you can address some of these issues, I can provide you with a more formal response.

Thanks,

Robert

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

From: Pascual, Marsha (GSA)
Sent: Tuesday, July 02, 2002 12:08 PM
To: Meyers, Robert (COE)
Subject: FW: request for opinion

Hi Robert, I am forwarding this again, because I realized I did not complete a sentence in the first submission. The revision is highlighted in red. Thanks.

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

From: Pascual, Marsha (GSA)
Sent: Tuesday, July 02, 2002 12:00 PM
To: Meyers, Robert (COE)
Subject: request for opinion

Hi Robert,

I have a situation which I find a little troubling and I would appreciate an opinion from your office. Several of the classifications in my workers compensation and liability units qualify for a money adjustment on their paychecks if they hold an adjusters license. Generally, an individual must take an examination (and go through an application process) with the Florida Dept. of Insurance. However, there is an exemption from the examination requirement in F.S.626.221 (m) which I am inquiring about. This exemption provides that if an individual goes through a class (approved by the department of insurance) at a postsecondary insitution they do not have to sit for the exam. One of the employees in my liability unit, Kenneth McCoy, teaches an adjusters class at Miami Dade CC in the evenings. Successful completion of this course earns the participants exemption from sitting for the exam. Several of the employees in Risk Management have taken the class and I am aware that there are others who are planning on taking the class. My concerns include the following: as I understand it, Mr. McCoy is responsible for the development, administration, and grading of the exam. I am concerned about the integrity of the process when we are talking about his coworkers; next, I am concerned that County time is being utilized to discuss issues relative to this course, and third, I am concerned as to whether Mr. McCoy's compensation is based in whole or in part on the number of participants in the class. Thank you for your attention to this matter. If you need anything further from me, please let me know.

Marsha Pascual
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Tracking:

Recipient
Pascual, Marsha (GSA)

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