



ETHICS COMMISSIONERS

Kerry E. Rosenthal, Chairman
Robert H. Newman, Vice Chairman
Gail Dotson
Dawn Addy
Elizabeth M. Iglesias

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

January 20, 2004

Ernesto Cabrera
530 SW 92nd Passage
Miami, FL 33174

RE: OPINION 03-141

Dear Mr. Cabrera:

You requested an advisory opinion pertaining to any possible conflicts related to your potential outside employment. We render this opinion based upon the facts provided in your letter.

You are a Building Plans Examiner with the Miami-Dade County Building Department. You are one of the few plans examiners for the County. Recently, you've been offered an opportunity to engage in occasional outside employment with a private company. The outside employment entails reviewing architectural plans and drawings for completeness and compliance with building codes.

Firstly, you must obtain permission from your department director before engaging in any outside employment. Under the Conflict of Interest and Code of Ethics Ordinance, there is no legal conflict for you to engage in this outside employment subject to certain limitations.

Section 2-11.1 (j) "Conflicting employment prohibited" provides,

" No person included in the terms defined in subsections (b) (1) through (6) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties."

Accordingly, while you may engage in this type of outside employment, you are limited to working on projects outside

Miami-Dade County. Since you are one of the few plans examiners in the County, it is extremely likely that you would eventually have to review plans connected to your outside employment projects. You indicate that it would be difficult to delegate oversight and review responsibilities within such a small group of employees. Therefore, your outside employment is limited to projects in municipalities and counties outside Miami-Dade, which do not fall under the jurisdiction of the County's Planning Department. In addition, you may not use County resources or time in performance of your outside employment.

Finally, in accordance with Section 2-11.1 (k), you must report the outside employment and file the required disclosure forms by July 1st of each year with the Department of Elections.

This opinion construes the Miami-Dade County 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 should you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call Christina Prkic, Staff Attorney at (305) 350-0615 or the undersigned at (305) 579-2594.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal line extending to the right.

ROBERT MEYERS
Executive Director

December 19, 2003

Mr. Robert Meyers
Executive Director
Commission on Ethics and Public Trust
19 West Flagler Street, suite 207
Miami, Fl. 33130

Dear Mr. Robert Meyers:

I am a Building Plans examiner with the Building Department, and I'm writing to you to request an ethics opinion from your office.

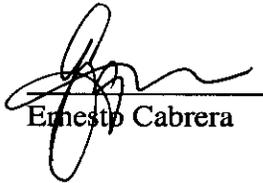
I will like to engage in "incidental or occasional" work outside my job in the County. This work will consist of review of Architectural plans mostly for completeness. I will perform this work at my home, without the use of county time, equipment or material, all as authorized by section 2.11 of the code of Miami-Dade County.

The work will be project specific. The "incidental or occasional" work, will not be "contrary, detrimental, or adverse to the interest of the County" as it will only involve projects outside of Miami-Dade County. Similarly, such incidental work will not impair my independence or judgment in the performance of my public duties in conformance with Section 2-11.1(j) of the Code of Miami-Dade County.

Prior to the commencement of any such incidental work, I intent to notify my department in writing, if necessary, as to the name and location of the project for which the work is to be performed.

Please tell me whether additional information is necessary in order to obtain an ethics opinion to ensure that this incidental work is permissible.

Sincerely,


Ernesto Cabrera

*Reviews
does - drawings
are complete
in compliance w/ the code
P# (786) 315-2026*