

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 Ardyth Walker, Staff
General Counsel at (305) 350-0616 or the
undersigned at (305) 579-2594.

Sincerely Yours,



ROBERT MEYERS
Executive Director

ordinances.
building, zoning and related city codes and

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you to serve on the Code Enforcement Board for the City of South Miami. Your duties as a natural areas restoration specialist do not overlap with your duties as a member of the Code Enforcement Board. As restoration specialist, you are not responsible for enforcement of environmental regulations or code enforcement.

An employee may participate in civic work as long as the employee does not misuse his official position in his outside activities. Section 2-11.1(g) provides that "no person... shall use or attempt to use his official position to secure special privileges or exemptions for himself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners." Further, an employee may not disclose confidential information. Section 2-11.1(h) provides that no person... shall accept employment or engage in business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position, nor shall he in fact ever disclose confidential information gathered or gained through his official position with the County, nor shall he ever use such information, directly or indirectly, for his personal gain or benefit. Since your work on the Code Enforcement Board will not require you to use confidential information acquired through your county employment or exploit your official position, your service is permitted by the Conflict of Interest and Code of Ethics ordinance.



ETHICS COMMISSIONERS

Kerry E. Rosenthal, Chairperson
Charles A. Hall, Vice Chairperson
Elizabeth M. Iglesias
Knovack G. Jones
Robert H. Newman

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

December 12, 2001

Gary R. Milano
Environmental Resource Project Supervisor
Department of Environmental Resources
33 S.W. 2nd Avenue
Miami, Florida 33130

RE: REQUEST FOR ADVISORY OPINION 01-117

Dear Mr. Milano:

The Commission on Ethics and Public Trust considered your request for opinion at their meeting on December 11, 2001 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding service on a citizen advisory board for the City of South Miami.

In your letter, you advised the Commission that you are a natural areas restoration specialist. As a restoration specialist, you supervise the planting of natural vegetation to restore areas to their original environmental condition. You have been approached to serve on the City of South Miami Code Enforcement Board.

Pursuant to Section 2-24 of the South Miami Code, the Code Enforcement Board is composed of seven city residents who have experience or interest in the fields of zoning and building control. The board is charged with enforcement of occupational license,