

time, resources or equipment for any activities related to his private venture. Moreover, you are prohibited from disclosing confidential information or using your official position for your outside venture. Finally, you may advertise your business but you may not solicit Team Metro employees.

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,

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

ROBERT MEYERS
Executive Director

to be ordained or adopted by the Board of County Commissioners."

Additionally, 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 garnered 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. Therefore, you may not use your official position or disclose confidential information in your outside venture.

Finally, although general advertising regarding an outside venture is permissible, an employee may not solicit business from employees in the department in which he works. In RQO 00-87, the Commission opined that a police officer could market insurance services to county employees. However, the Commission found that the officer could not solicit business from other police department employees. In RQO 99-42, the Commission opined that the Director of Emergency Management could market Y2k preparedness materials on his website and make presentations related to the subject. The Commission found that the activity did not violate the outside employment provision as long as he did not exploit his official position or disclose confidential information. Accordingly, you may advertise his outside venture but you may not solicit Team Metro employees.

Therefore, you may engage in outside employment as long as it does not interfere with your independent judgment in your public duties. Further, you may not use county

free ad in the conference journal. You also distributed flyers for upcoming seminars. County employees were present at the seminar. You took annual leave for the day of the conference. The Department Director approved the outside employment and you have filed the required forms with the Department of Elections.

As Administrative Services Director, you are responsible for formulating policy and directing the operations for the areas of division administration, hotline/information, finance/budget/procurement, human resources and management and information systems.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits your outside employment as long as it does not compromise your judgment in your county employment. Section 2-11.1(j) provides that an employee shall not accept other employment which would impair his or her independence of judgment in the performance of his or her public duties. Therefore, your outside employment is permitted if your duties at Anderson Consulting do not interfere with your public responsibilities. Under the facts presented, the outside employment does not appear to interfere with your judgment in the performance of your public duties. However, you must ensure that all responsibilities related to your outside activities are performed on your personal time and that you do not use county equipment or resources in your private venture.

Further, you are precluded from disclosing confidential information or using your official position to secure additional business. 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



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EXECUTIVE DIRECTOR

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STAFF GENERAL COUNSEL

December 12, 2001

Michael Anderson
Director
Administrative Services Division
Team Metro
111 N.W. First Street
Suite 1470
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION 01-142

Dear Mr. Anderson:

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 your outside employment and civic activity.

In your letter, you advised the Commission that you are President of Anderson Performance Consulting. Anderson Performance Consulting provides performance consulting services including strategic planning, process improvement, training, performance measurement, organizational policy and program development. As president of Anderson Consulting, you conduct seminars on personnel matters. On October 25, 2001, you conducted two half-day performance measurement presentations at the National Institute of Government Procurers at the Radisson Mart. You were paid four hundred dollars for the presentation along with a