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STAFF GENERAL COUNSEL

September 10, 2002

Kevin Asher  
7905 S.W.161 Street  
Miami, FL 33157

**RE: REQUEST FOR ADVISORY OPINION 02-102**

Dear Mr. Asher:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 9, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any limitations on outside employment as a consultant if you returned to the Parks and Recreation Department.

In your letter, you advised the Commission that you worked as an employee of the Parks and Recreation Department in the planning division for 21 years. During his prior county employment, you drafted the requirements for "A99 PARK 01". The Parks and Recreation department used the contract to hire planning and design firms. Currently, the Parks Department hires planning and design services through a miscellaneous Professional Services contract. The Procurement Department currently administers the contracts.

You currently work as a subconsultant for several planning and design firms who are employed by municipalities. Some of the

municipalities use the old "A99 PARK 01" contract to access county design firms.

In your future position with Parks, you will work in property management. You will not be involved in any planning work or participate in any aspect of contract administration.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you to engage in outside employment as long as it will not interfere with 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. Since you will not work in the planning division or do any contract administration, the outside consulting work should not impair your independence of judgment in your county employment. However, you must also ensure that you do not accept any consulting work that may require you to disclose confidential information acquired as a result of your county employment. Moreover, you may not work on projects that are collaborations between the county and a municipality for whom you are doing outside work or make recommendations or take any official action regarding firms or clients of firms for whom you are doing consulting work.

Finally, in addition to securing department approval for any outside employment, you must disclose all outside consulting work.

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 the undersigned at (305)

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

Sincerely Yours,

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

ROBERT MEYERS  
Executive Director