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February 28, 2003

Robert Santos-Alborna
Regional Coordinator
Team Metro
1409 S.W. 107th Avenue
Miami, FL 33174

RE: REQUEST FOR ADVISORY OPINION 03-02

Dear Mr. Santos-Alborna:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 22, 2003 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your outside employment as an elections analyst. You also requested an opinion as to whether you may serve as a consultant to construction companies and developers.

In your request, you advised the Commission that you are the Regional Coordinator for the Team Metro University office. As Regional Coordinator, you are responsible for managing a staff of twenty-three employees. The Team Metro office is responsible for code enforcement in the area. The Team Metro office also provides community outreach and provides residents with information about county services and resources. Further, you serve as chair during non-zoning meetings of the Westchester Community Council and as

secretary during zoning meetings of the Westchester Community Council.

During the past few years, you have worked as a consultant for McDonald Public Opinion. As a consultant, McDonald has helped prepare analyses of exit poll data and other information for use by the Telemundo network and Channel 51 during elections.

You are also interested in outside employment as a consultant to development and construction companies. Your spouse is currently employed by a construction firm that provides turnkey construction. You would like to work as a consultant to the firm in identifying potential clients (such as charter school companies) and potential sites. You would also like to serve in this capacity for other developers.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you to engage in outside employment as an elections consultant because it will not impair your independent judgment in the performance of his official duties. Section 2-11.1(j) provides that "No person included in the terms defined in subsections (b)(1) through (6) shall accept other employment which will impair his or her independence of judgment in the performance of his or her public duties." Since your elections work is limited to data analysis and you do not work for local candidates or campaigns, the work does not impair your independence of judgment.

However, the Conflict of Interest and Code of Ethics ordinance does restrict your ability to work for developers and construction companies. As Regional Coordinator, you are responsible for code enforcement in the University area including the work of developers and construction companies. Therefore, your ability to work for construction and development companies is limited by your code enforcement

responsibilities. The work may conflict with your county employment and impair your judgment in the performance of your official duties. Therefore, you should not work for construction and development companies.

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 the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers".

ROBERT MEYERS
Executive Director