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August 21, 2003

Fernando Alonso
Public Works Department
111 NW 1st Street, 14th Floor
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION 03-113

Dear Mr. Alonso:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on August 21, 2003 and rendered its opinion based on the facts stated in your request.

You requested an advisory opinion regarding any conflicts as they relate to the outside employment of Jose Sanfiel, an employee within your division.

In your letter, you advised the Ethics Commission that Mr. Sanfiel is employed as a Professional Land Surveyor in the Survey Section of the PWD. He is responsible for work assignments, such as surveying and recording of plats, and the supervision of the seven field survey crews who perform work for various County agencies. He is also responsible for verifying fieldwork performed by private surveying firms.

In addition, Mr. Sanfiel is Vice President of Global Dimensions, Inc., where he also works as a Land Surveyor. Through Global Dimensions, Mr. Sanfiel does surveying work for private companies.

The Ethics Commission found that the Conflict of Interest and Code of Ethics Ordinance does not prohibit Mr. Sanfiel from engaging in outside employment with Global Dimensions, Inc. provided he complies with certain

stipulations. 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.

You advised the Commission that Mr. Sanfiel's outside employment would not interfere with his job responsibilities at the PWD. Global Dimensions is not continuously submitting surveys or fieldwork to the PWD which could impair the performance of Mr. Sanfiel's public duties. Furthermore, the proposed outside employment would take place after work.

However, Mr. Sanfiel may not review any surveys submitted by Global Dimensions, Inc.; this prohibition extends to the survey crews he supervises as well. Section 2-11.1 (n), "Actions prohibited when financial interests involved," states that,

No person included in the terms defined in subsections (b)(1) through (b)(6) shall participate in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest.

Accordingly, he would have to delegate the review of any surveys submitted by Global Dimensions, Inc. to other personnel not subject to his supervision. As set forth in a recent opinion, RQO 03-95, Mr. Sanfiel must provide the Ethics Commission with the names of the personnel who will be potentially responsible for reviewing any surveys or fieldwork by Global Dimensions.

He must also bear in mind that Section 2-11 .1 (g) "Exploitation of official position prohibited," provides in part, that no... "employee shall use or attempt to use his official position to secure special privileges or exemptions..."

Before he engages in outside employment, he must first obtain department director approval, and pursuant to Section 2-11.1 (k), he must report his 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 flourish extending to the right.

ROBERT MEYERS
Executive Director

Cc: Jose Sanfiel