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October 22, 2003

Shelly Ransom
5400 SW 19 ST
Hollywood, FL 33023

RE: REQUEST FOR ADVISORY OPINION 03-154

Dear Ms. Ransom:

You requested an advisory opinion regarding any possible conflicts as they relate to the establishment of your construction management services company.

In your letter you advised the Ethics Commission that you are an inspector with the Building Department, where you are solely responsible for structural building inspections within a large designated area of the County. Presently, you are in the process of incorporating a construction management services company, where you would have a 51% ownership interest. The company would provide homeowners and small businesses in Dade and in other counties services such as contract review, document control, contractor liaison assistance and general project management. Additionally, the company may bid on government contracts to supply or install goods. The company will not be involved in obtaining or applying for permits on behalf of clients or involved in any inspection or general contracting services. In fact, your contractor's license will remain inactive.

The Conflict of Interest and Code of Ethics Ordinance prohibits you from participating as an owner in the construction services management company, but only as it relates to the rendering of management services in Miami-Dade County. The Code does not prohibit you though from participating in the company, should its business activities be limited to bidding on supply/install contracts. 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.

Your job responsibilities with the Building Department require you to liaison and communicate with contractors and inspect structural work on a variety of projects within a large designated area of Miami-Dade County. Since your company will be involved in providing construction management services, save inspection services, specifically to homeowners and small businesses, there is a substantial likelihood that you will interact with contractors whose work you have previously inspected, currently inspect or may inspect. This type of oversight may compromise your independence of judgment and create a conflict of interest, or at minimum, create an appearance of a conflict.

For that reason, you are prohibited both from working with and having a 51% ownership interest in the company, unless the company only performed work outside Dade County and/or limited its business activities to bidding on supply and install contracts.

Even though, the company will not engage in inspection services, it will work on projects which ultimately will require inspection by the County. Given the vast size of your area of inspection responsibility, you may then be required to inspect clients' projects.

Furthermore, should the company be involved only in bidding on supply and install contracts, Section (c) "County employees' limited exclusion from prohibition on contracting with the County," would prohibit your company from submitting bids to and transacting business with the Building Department.

Finally, you must obtain department director approval; and in accordance with Section 2-11.1 (k), you must report your 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 cursive script, appearing to read "Robert Meyers", followed by a horizontal line.

ROBERT MEYERS
Executive Director