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August 28, 2009

Douglas Pile, Esq.
Department of Water and Sewer
3071 S.W. 38th Avenue
Room 538-16
Miami, Fl 33146

RE: REQUEST FOR ADVISORY OPINION-RQO 09-28

Dear Mr. Pile:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on August 27, 2009 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any restrictions on outside employment as a political consultant and attorney.

In your request, you advised the Commission that you work in the Intergovernmental Affairs unit at WASD. Your responsibilities include reviewing agreements between municipalities and WASD for water and sewer services, negotiating and reviewing agreements between WASD and county departments on WASD services, easements and other issues and reviewing departmental agenda items for Board of County Commissioners (BCC) meetings. Your work with municipalities is primarily limited to negotiating with staff and does not include appearances before municipal boards or commissions.

You are seeking outside employment as a political consultant. In that capacity, you would work for legislative, municipal or judicial candidates in developing strategy, organization, fundraising, issue research and policy. You would also work for political action committees or community organizations.

You are also seeking approval to represent private clients. Your private representation would not include trial work or appearances before county boards or agencies.

The Ethics Commission found you may serve as a political consultant for state and federal legislative and judicial candidates. You may also represent political action committees and community organizations.

However, the Conflict of Interest ordinance prohibits you from working with any candidate in a municipality where WASD has a current or pending agreement. Section 2-11.1(h) prohibits an employee from accepting outside employment that might induce an employee to disclose confidential information. Section 2-11.1 (h) provides that "no person... shall accept employment or engage in any 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 professional position, nor shall he in fact ever disclose confidential information garnered or gained through his official position with the county nor shall he use ever use such information, directly or indirectly for his personal gain or benefit." Accordingly, you may not work with a candidate in any municipality where WASD has a current or pending agreement because you might be induced to disclose confidential information acquired as a result of your position. Further, you must request an opinion from the Ethics Commission prior to working with any municipal candidate in Miami-Dade County.

The Conflict of Interest ordinance does permit you to represent private clients as long as you do not appear before any county personnel, boards or agencies on their behalf. Section 2-11.1(m)(1) prohibits county employees from appearing before county personnel, boards or agencies on behalf of private clients.

Finally, after obtaining permission from your department, you must submit a list of your clients to your Division Director on a quarterly basis so the department may evaluate your client list for any potential conflicts. You must also file an annual outside employment disclosure form.

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,



ROBERT MEYERS
Executive Director