

Memo

To: Rudolph Griffith
Special Projects Administrator
Small Business Affairs
Department of Procurement Management

From: Ardyth Walker
Staff General Counsel

Date: 7/17/2007

Re: INQUIRY 07-117

I received your request for an advisory opinion regarding your outside employment and I am providing you with this staff opinion based on the facts contained in your request. The Ethics Commission has not considered this matter. Please contact me if you want this matter placed on the next Ethics Commission agenda.

In your request, you advised me that you are a member of the Florida Bar and operate a small law practice outside of your county employment. Your law practice focuses on the areas of probate, family law and real estate. You also occasionally provide pro bono services. In your capacity as a Special Projects Administrator, you work for the Professional Support Services Division of Small Business Affairs which is responsible for, among other things, administering the county's affirmative action and debarment ordinances.

The Conflict of Interest and Code of Ethics ordinance permits you to engage in a limited law practice outside of your county employment as long as the duties do not overlap with your work responsibilities. Section 2-11.1(j) provides that no employee "shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties." Accordingly, you may provide legal services as long as you do not represent any person or entity for whom you provide oversight or service in your capacity as a Special Projects Administrator.

Further, all outside employment must be performed outside of work hours, you may not solicit work from county employees and you may not use county materials or equipment in your outside employment.

Finally, you must annually submit an outside employment disclosure form regarding any outside employment and the compensation received for the employment.

If you have any questions regarding this opinion, please contact me at awalker@miamidade.gov or at (305) 350-0616.

cc: Teresa Sands, Division Director, SBA Professional Support Services Division