

Memo

To: Raymond Barreto
Division Chief
Special Operations
Miami-Dade Fire Rescue

From: Ardyth Walker
Staff General Counsel

Date: 7/20/2007

Re: INQUIRY 07-120

I received your request for an advisory opinion regarding the outside employment of Captain Roman Bas 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 Captain Bas is currently seeking approval for outside employment with Motor Medics Corporation and Seavival, Inc. Motor Medics Corporation provides training on motorcycle emergency rescue techniques to students from across the country. The training will not include present employees of the Miami-Dade Fire Rescue Department and will not be conducted at any county facilities.

Captain Bas will also conduct training for Seavival, Inc. Seavival is a corporation that provides training to civilian cruise personnel on emergency rescue techniques. The training will be provided during the Captain's off-duty hours and will not be conducted at county facilities or use county equipment.

In his position as Captain for the Motorcycle Emergency Rescue Team, Captain Bas provides emergency rescue services in a variety of situations.

The Conflict of Interest and Code of Ethics ordinance permits Captain Bas to provided training services on behalf of Motor Medics, Inc. and Seavival. 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." Since Captain Bas' outside employment does not require him to train colleagues or subordinates, the outside employment should not compromise his independence of judgment in the performance of his public duties. Further, as required, the outside employment will not occur during working hours or involve non-incidentual use of county equipment and resources. The Ethics Commission has frequently opined that county employees may serve as lecturers and instructors in their field of professional expertise. Accordingly, Captain Bas may provide training on behalf of Motor Medics, Inc and Seavival.

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