

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Wednesday, June 09, 2010 1:41 PM
To: Wolpin, David
Cc: 'manager@balharbour.org'; 'ctravis@balharbourflorida.com'
Subject: Bal Harbour, Director of Tourism, Outside Employment (INQ 10-101)

Mr. Wolpin,

You asked if Carolyn Travis, the Director of Tourism in the Village of Bal Harbour, would violate the prohibition on conflicting outside employment if she were to conduct a one-time sales and marketing study for the One Bal Harbour Hotel.

IN SUM, Ms. Travis's outside employment as described in your email of June 2, 2010, does not violate the County Ethics Code *per se* but does suggest an appearance of impropriety. See County Ethics Code at Secs. 2-11.1 (j) & (k).

THE FACTS are that Carolyn Travis is a full-time Village employee who serves as Tourist Director. Her recent marketing promotions of the Village as a vacation destination have focused on the Village's two hotels and seven restaurants.

The outside employment proposed by Ms. Travis is beyond the scope of her current duties to the Village. In her private capacity as a marketing consultant, she intends to audit the sales and marketing history of the One Bal Harbour Hotel on site and provide the hotel with a 100+ page marketing plan. In a telephone conversation on June 7, 2010, Ms. Travis stated that she would conduct all outside employment on vacation days and weekends and would not make use of any Village resources whatsoever.

Alfred Treppeda, the Village Manager and Ms. Travis's supervisor, approves of Ms. Travis's work for the One Bal Harbour Hotel.

THE ETHICS CODE allows Ms. Travis to engage in outside employment *as long as the work does not impair her independence of judgment in the performance of her public duties.*

Whether Ms. Travis's independence of judgment will be compromised by her private compensation is a close question. She may be faced with frequently recurring tensions between her public duties and private interests, particularly because she will have been very well compensated privately by one of the two hotels in Bal Harbour that she will continue to promote with public funds. Under these circumstances, her public responsibility is to deal with all business entities that are supported by the resort taxes appropriately and without favoritism.

PUBLIC PERCEPTION should also be considered. In 2008, citizens filed an ethics complaint against members of the Bal Harbour Resort Tax Committee alleging that some individuals personally gained each time they dispersed government tax dollars to benefit certain private businesses, either owned by them or employing them. (This complaint was dismissed without finding a violation. See Ethics Complaint # C 08-08.)

IN CONCLUSION, because Ms. Travis' proposed contract is a one-time event to provide a service and product beyond the scope of her current duties to the Village, she does not, strictly speaking, violate the County Ethics Code. Given that her private client is a business entity that she also supports in her capacity as a Village employee, however, Ms. Travis is advised to scrupulously maintain independence of judgment and fairness in the performance of her public duties.

Additionally, Ms. Travis is reminded that she must seek approval annually to engage in outside employment and file an outside employment statement by July 1 of each year with the Village Clerk.

Sincerely,

Victoria Frigo, Staff Attorney

Miami-Dade County Commission on Ethics

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