



Via First Class Mail
email at JonathanSinkes@miamibeachfl.gov
jpsinkes@gmail.com

November 4, 2010

ETHICS COMMISSIONERS

Kerry E. Rosenthal, CHAIRPERSON
Dawn E. Addy, VICE CHAIRPERSON
Charlton Copeland
Judge Seymour Gelber
Nelson Bellido

Jonathan P. Sinkes
7455 Collins Ave., Suite 212
Miami Beach, FL 33141

Re: INQ 10-177

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

Dear Mr. Sinkes:

MICHAEL P. MURAWSKI
ADVOCATE

In an email to our office on November 2, 2010, you asked if your current employment as an electrician with the City of Miami Beach Public Works Department, Property Management Division, prevents you from engaging in outside employment as a private electrical contractor. You stated that your outside employment would consist of providing electrical contracting services to private customers through your privately owned company, 305 Enterprise Services, Inc.

ARDYTH WALKER
STAFF GENERAL COUNSEL

The City of Miami Beach Code at Sec. 2-453 prohibits city employees from accepting outside employment that might impair their independence of judgment in the performance of their public duties.

Therefore, we advise you to avoid certain activities to prevent conflicts between your public duties and your private interests. The following list is not exhaustive, but merely illustrative of the types of activities that create ethics conflicts:

- * You may not provide electrical services through your private company to the City of Miami Beach. *See* City of Miami Beach Code at Sec. 2-454.
- * You may not use your city position to solicit customers for your private business; similarly, you may not solicit City of Miami Beach officers, employees, or any other city personnel as customers for your private business. *See* City of Miami Beach Code at Sec. 2-451 (b).
- * You may not appear before any City of Miami Beach board or agency on behalf of your customers, nor may you receive compensation in any form for services rendered to your customers who are seeking some benefit from the City of Miami Beach. For example, you may not seek building modifications from a City of Miami Beach board on behalf of your customers. *See* Miami-Dade County Code at Sec. 2-11.1 (m)(1).
- * You may not use your city position to secure special privileges for your private business or your private customers. *See* City of Miami Beach Code at Sec. 2-451 (a).

Among other things, this means that you may not use city resources to engage in outside employment, nor may you conduct any private business on city time.

Equally important, you may not use your city position to persuade City of Miami Beach elected officials, employees, or advisory board members to take any special action to benefit your business or your private customers.

In response to the questions you raised in your email, you may engage in electrical contracting in the City of Miami Beach for private customers, and you may apply for electrical permits through the City of Miami Beach Building Department as long as your interactions with staff are ministerial and routine in nature. Generally, filing applications, obtaining documents, or requesting information would not violate the Ethics Codes.

Please be advised that permission to engage in outside employment resides solely with your city supervisor, division head, director, and manager. If they believe that the demands of your outside employment are interfering with the performance of your duties to the city, they may, at their complete discretion, revoke permission for you to engage in outside employment.

If you have additional questions, please feel free to contact me at 305 350-0601.

Sincerely,


VICTORIA FRIGO
Staff Attorney

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