

MIAMI-DADE ETHICS COMMISSION MEMO

To: Steve Jablonowski (MDPR)
From: Victoria Frigo, Senior Staff Attorney
CC: Bill Irvine (MDPR), Joseph Centorino (COE), Gilma Diaz-Greco (COE)
Date: November 1, 2013
Re: INQ 13-240
Outside Employment, Miami-Dade County Ethics Code at Secs. 2-11.1 (j) and (g)

Mr. Jablonowski,

Thank you for your patience in obtaining an ethics opinion regarding your proposed outside employment. Based on the similarity of your duties as Manager of Golf Operations for the Parks, Recreation and Open Spaces Department (MDPR) and your proposed outside employment as an owner of a private golf course management company, concerns arose about potential conflicts of interest.¹

We have confirmed with your supervisor, Bill Irvine, that he has no objections to granting you permission to engage in outside employment and that he will be able to adequately monitor your outside employment activities. Additionally, Alan Weitzel, a former Parks & Recreations Department Regional Manager, engaged in similar outside employment for many years without obtaining an ethics opinion but with the permission of his Department Director.²

Miami-Dade County Ethics Code:

If you choose to engage in outside employment, please be advised that the Miami-Dade County Ethics Code at Sec. 2-11.1 (j) prohibits a County employee from accepting other employment that would impair his independence of judgment in the performance of his public duties. The Ethics Code at Sec. 2-11.1 (g) further prohibits County employees from exploiting their County positions for their personal benefit or the benefit of others.

Background:

Your County work with the MDPR requires that you manage six golf courses. In this capacity, you personally inspect all the golf facilities for satisfactory management, establish goals for the golf program, institute standards for customer service, approve all purchases, and oversee a budget of approximately 8 million dollars. You directly supervise five County employees and oversee the supervision of their subordinates who are engaged in a wide

¹ In a recent opinion given to the Deputy Property Appraiser, we advised him to decline outside employment as a consultant with a Colombian company developing IT programs to be used in searching property tax rolls because his proposed private employment was very similar to his duties as the second in charge in the Property Appraiser's Office. Miami-Dade Ethics Commission Opinion INQ 13-88.

² Mr. Weitzel owned 50% of Southern Golf Appraisals, Inc., a golf management company that oversaw the operations of several golf courses in Broward County. Mr. Weitzel advised an Ethics Commission investigator on Oct. 16, 2013, that his business partner ran the day-to day operations of the company and that Mr. Weitzel served in an advisory capacity.

range of activities, including retail sales, grounds and building maintenance, design and construction of course complexes, and operation of golf pro shops.

In your private capacity, you envision generating performance standards for golf courses and evaluating their financial performance. You have stated that you will not conduct private business on County time and that all of your clients will be located outside Miami-Dade County. You stated that you do not know whether your business partners are County employees, whether they are employed full-time or part-time in public or private-sector jobs, and which of the partners will run the day-to-day operations of the company during regular business hours.

Conclusion:

Although we do not fully endorse the previous outside employment of Mr. Weitzel, in fairness to you, similar outside employment may be allowed, but we recommend the following *limitations*:

- As you have agreed, your company cannot provide services to any entity or person within Miami-Dade County.
- As you have agreed, you must conduct all business for your private company during vacation time and days off, when you are not working for Miami-Dade County.
- Your private clients cannot have any interests directly or indirectly adverse to Miami-Dade County.
- You must never use County resources to conduct outside employment. County resources include, but are not limited to, County-purchased supplies such as grounds-keeping materials; County-issued equipment such as computers, cars, and cell phones; County services, such as secretarial services; and any other resources developed by you or others while on County time, including marketing and strategic planning tools—unless they are public records.
- You must not use your official position to secure special benefits or privileges for your private company. This includes, but is not limited to, obtaining special discounts for your private business based on your relationships with suppliers who are County vendors.

We emphasize that the type of outside employment you suggest could impair one's independence of judgment in the performance of his public duties and could even result in an exploitation of one's official position. We strongly advise you to enter into this private arrangement with caution.