

REQUEST FOR OPINION CHECKLIST

Request for Opinion

Dated: 06-22-01

Investigative File

Draft Opinion

Notification to requestor of hearing before commission:

Scheduled for _____ at _____ .m; or No _____

Commission Action: _____

Final Disposition: _____

Meyers, Robert (COE)

From: Herrera, Rick (MDHA)
Sent: Monday, June 21, 2004 8:54 AM
To: Meyers, Robert (COE)
Subject: FW: outside employment

Mr. Meyers, please allow the following correspondence to refresh your memory on my case.

I am in receipt of your email of June 14, 2004, concerning outside employment and am very concerned about the implications about such a broad policy.

I understand the issue of "lobbying" other County Agencies, and will obviously comply with the directive. What is particularly concerning is the part where filing documents and seeking permits from other County Agencies are also prohibited.

As a professional engineer, I sign and seal plans that will be permitted or approved by different County Agencies. I will not personally "file" those plans, but my partner; who is not a County employee will.

I may also have to answer questions pertaining the design of the plans I have signed if called to do so.

Based on the opinion I received earlier, I have entered into a partnership, formed a Corporation, incurred in significant expenses, and more alarming; have entered into business agreements and contracts with several individuals and companies and are in the process of fulfilling my commitments under those legal agreements. To forfeit or breach those contracts at this point will be disastrous to me and my partner, and we will be legally liable.

I sincerely hope that my interpretation of this new policy is mistaken and my fears unfounded; but will like your comments on the above as soon as possible.

Thank You

Rick Herrera, P.E. Director
Housing, Planning and Development
Miami Dade Housing Agency

-----Original Message-----

From: Herrera, Rick (MDHA)
Sent: Tuesday, January 27, 2004 8:23 PM
To: Meyers, Robert (COE)
Subject: Re: outside employment

Thank you again for your help. I understand the limitations and have no problem complying.

RICK HERRERA, P.E. Director
Housing, Planning and Development
Miami Dade Housing Agency

-----Original Message-----

From: Meyers, Robert (COE) <RMEYERS@miamidade.gov>
To: Herrera, Rick (MDHA) <RICKH@miamidade.gov>
Sent: Tue Jan 27 17:44:31 2004
Subject: RE: outside employment

Rick,

COMMISSION ON ETHICS
AND PUBLIC TRUST
04 JUN 22 PM 12:58

Based on the facts you have supplied, I conclude that your outside employment activities would not violate the County Conflict of Interest and Code of Ethics Ordinance. This conclusion stems from the fact that you will not be involved in any private business activities relating to public housing or Section 8 housing and those businesses with whom you affiliate do not transact business with the Housing Agency. Finally, you will not be entering into any direct contractual relations with the Housing Agency.

Assuming you receive permission from your director, please realize that you must disclose the income you generate from these endeavors by July 1, 2005 -- for outside employment activities in 2004.

If you wish to have the this matter addressed by the full Ethics Commission, I can schedule it as an item for our February meeting. If you have any further questions, do not hesitate to contact me.

Thank you,

Robert Meyers

-----Original Message-----

From: Herrera, Rick (MDHA)

Sent: Tuesday, January 27, 2004 11:53 AM

To: Meyers, Robert (COE)

Subject: RE: outside employment

I run two areas in the Agency.

The rehabilitation of our housing stock through a yearly federal grant, and the construction of new units. I have an assistant director in each area that is responsible for the day to day operations; they in turn have architects and construction managers that assist with the work which is done by private consultants and contractors.

I WILL NOT engage in any business related to public housing or Section 8, nor will do business with entities that work for the Agency.

Lastly, I have discussed my plans with the Director, he is fully aware of my intentions and have given me his approval.

I thank you again for your help.

Rick Herrera, P.E. Director

Housing, Planning and Development

Miami Dade Housing Agency

-----Original Message-----

From: Meyers, Robert (COE)

Sent: Tuesday, January 27, 2004 11:37 AM

To: Herrera, Rick (MDHA)

Subject: RE: outside employment

Rick,

I talked to one of my attorneys and I need some more information from you. Specifically, what are your job duties with the Housing Agency. Also, is any of the work you are contemplating involve Section 8 or public housing? Are you going to be working for any firms or companies that have contracts with the Housing Agency? Finally, have you received approval from your director yet to engage in this outside employment?

Once you give me answers to these questions, I can issue you an opinion, probably by the end of day.

Robert

-----Original Message-----

From: Herrera, Rick (MDHA)
Sent: Friday, January 23, 2004 10:29 AM
To: Meyers, Robert (COE)
Subject: FW: outside employment
Any news? I was planning to do some work this weekend, but if not ready, I will postpone.

Rick Herrera, P.E. Director
Housing, Planning and Development
Miami Dade Housing Agency

-----Original Message-----

From: Herrera, Rick (MDHA)
Sent: Thursday, January 08, 2004 1:38 PM
To: Meyers, Robert (COE)
Subject: outside employment

Thank you for returning my call earlier this afternoon.
As I explained, I began working for Miami Dade County in April of 1978. My tenure started in Miami Dade Water and Sewer where I worked until May of 2001 when I transferred to Miami Dade Housing Agency, where I continue working in the capacity of Director of Housing, Planning and Development.

Since I hold a professional engineers license as well as a Dade County contractor certificate and have vast expertise in the public works area; I would like to supplement my income by doing some private work in that area.

The work would include preparation of plans and as built for public works (water, sewer, paving, drainage, etc.), certification of such projects, and perhaps minimal construction. I would also do inspections and certifications of buildings.

Of course all this work will be performed for private entities and I will not be contracting with Dade County. I do not have dealings with these entities in my current position nor can pose undue influence over them.

Your opinion is respectfully requested as to any ethical or conflictive issues you may find with the above.

Please feel free to call me should you have any further questions.

Ricardo Herrera, P.E.
(305) 638-6029 office
(786) 255-1629 cell