
From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, August 12, 2015 4:07 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Gerardo Gomez, Special Projects Administration 2, Miami-Dade Finance Department(Limitations on Conducting Business with the County) INQ 15-176
Attachments: INQ 15-176 Gomez.pdf; Gerardo Perez Bluebook.pdf; Gerardo Perez applic..pdf; Gerardo Gomez ltr.pdf

INQ 15-176 Perez

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, August 12, 2015 4:06 PM
To: Gomez, Gerardo (FIN)
Subject: Gerardo Gomez, Special Projects Administration 2, Miami-Dade Finance Department(Limitations on Conducting Business with the County) INQ 15-176

Dear Mr. Gomez:

Attached is the Limitations on Doing Business with the County Ethics Opinion letter. Please note that it indicates that SFFOA may enter into contracts with Miami-Dade County but not with the Miami-Dade Finance Department.

You may print this letter and submit it to the Procurement Department. I will send you the original letter via regular mail.

Please contact me if you have further questions.

Sincerely,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
gdiazgr@miamidade.gov
www.facebook.com/MiamiDadeEthics

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DEPUTY GENERAL COUNSEL

Via First Class Mail
and email at: sffoa@yahoo.com

August 12, 2015

Gerardo Gomez
7245 SW 61 Street
Miami, FL 33143

*Please submit this letter to
the Procurement
Department. The Ethics
Commission does not submit
this letter on your behalf*

Re: INQ 15-176, Limitations on Doing Business with the County

Dear Mr. Gomez:

South Florida Football Officials Association, Inc. (SFFOA) may enter into contracts with Miami-Dade County but not with the Miami-Dade Finance Department.

This opinion is based on the following facts and legal analysis:

On August 12, 2015, you asked about limitations in doing business with the County through SFFOA, the entity you serve as president for. You are employed as a Special Projects Administrator 2, working in the Miami-Dade Finance Department.

OUTSIDE EMPLOYMENT

Work conducted for SFFOA constitutes outside employment. The Ethics Code prohibits County employees from engaging in conflicting outside employment. You advise that you have obtained permission to engage in outside employment. As long as you are engaged in outside employment, with SFFOA or any other private entity, you will be required to obtain permission to engage in outside employment annually from your supervisor and file related financial disclosure forms every year. Conflicting employment is sometimes created when a County employee comes in contact with the same or similar people or entities in both his outside employment and in his County job or when he uses the same or similar resources in his outside employment as he uses in his County work. See the County Code at Secs. 2-11.1 (g) and (j).

Please note that this letter does not grant you permission to engage in outside employment. You must continue to obtain permission to engage in outside employment annually from your supervisor and file related financial disclosure forms every year.

CONTRACTING WITH THE COUNTY

Once an employee has been granted permission to engage in outside employment, he or she may enter into a County contract through a private entity. In this case, it means that SFFOA may contract with the County, as long as the contract does not interfere with the full and faithful discharge of your duties to the County. *See* the County Ethics Code at Secs. 2-11.1 (c)(2) and (d).

This includes the condition that you may not participate in determining the contract requirements or in awarding the contract. Additionally, none of your job responsibilities and job descriptions may require you to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. Finally, you may **not** work in any County department that would enforce, oversee or administer this contract. Consequently, SFFOA may not enter into contracts with the Miami-Dade Finance Department.

LOBBYING

Additionally, you may not lobby the County. In this case, you may not contact anyone within the County in an attempt to influence a decision about any contract SFFOA may be seeking. *See* the County Ethics Code at Sec. 2-11.1 (m)(1).

This opinion construes the Miami-Dade County Ethics Code as it applies to County employee-vendors at Secs. 2-11.1 (c)(1) and (m)(1) only. It is not applicable to any conflicts under other sections of the County Code or to issues related to state or federal laws.

If any of the facts you have presented change or if you have further questions, please feel free to contact me at 305 350-0638.

Sincerely,



Gilma Diaz-Greco
Staff Attorney

INQ 15-176
Gomez

August 12, 2015
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Established 1994

Executive Board

Jerry Gomez, President
Dongray Johnson, V. Pres.
John Brandow, Treasurer
Robert Morales, Secretary
Glyn Bradley, Director
Alex Barinaga, Director
Gabriel Quintana, Director.

E-mail SFFOA@Yahoo.com

South Florida Football Officials Association, Inc.
6860 Southwest 79th Terrace
Miami, Florida 33143

August 10, 2015

Submitted Electronically

Gilma Diaz-Greco, Staff Attorney
Commission on Ethics and Public Trust
19 West Flagler Street, Suite 820
Miami, Florida 33130

RE: SFFOA Services to Miami-Dade Parks and Recreation

Dear Ms. Diaz-Greco:

Unfortunately I am writing this letter after the fact and I think a little history may be appropriate. I have been employed with the Miami-Dade County Finance Department since February of 2004 and am currently hold the position of Special Projects Administrator 2. I have also worked as a football official about to start my 19th year at the youth, high school and other levels. My outside employment has been approved and does not interfere with my duties since games worked out outside my normal working hours. I currently also serve as President of the South Florida Football Officials Association, Inc. (SFFOA) that provides officials as independent contractors to two youth football leagues in South Florida and occasionally for other events such as the Orange Bowl Youth Football Championships and the Miami Dolphins Youth Football Championship. The last couple of years our group has also been asked to provide officials for smaller flag football leagues and tournaments. Normally officials are paid directly at the event but on occasion we have been asked to accept a check and pay the individual officials and while not our preferred transaction we do it as a service to our members. We are a Florida not-for-profit but not an exempt charitable organization.

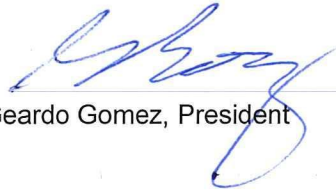
Two years ago at the Greater Miami South Florida Pop Warner Championship I met Chris Evans, Youth Sports Manager for Miami-Dade Parks and Recreation and exchanged contact information. During that time I even assisted in a youth football use study in support of a grant application the the Parks Department submitted with regards to the installation of field turf at Tropical Park. Several months later we were contacted to provide officials for the Mayor's Cup Flag Football Championship. We were given a rate that was the going rate for flag officials but we were asked to invoice for the officials assigned. Again while not the process we are used to we agreed because it was an off season opportunity for our member that work flag football and we provided the officials, we sent an invoice that was paid and then paid the individual officials that worked the event.

This past May we were asked to again provide officials for the flag football event and we were then asked if we had members who also officiated basketball. We advised that we did and provided officials over the course of three days for a Youth Basketball Championship. We submitted invoices for the two events but were now told after the fact that we had to register as a vendor in order to have our invoices paid. When I was attempting to complete the registration process I came across the dubious question as to whether any principal is a county employee. We then discussed having each of the officials invoiced separately and 9 of them would be in the same predicament because of vendor registration requirements.

We are not really interested in bidding on or soliciting business with the County. We were asked to provide officials for an event at the going rate and submit an invoice for all rather than individual officials. There is no written contract or invitation to bid. I have read the Code of Ethics and am further concerned while my County position will not that in my position as President of the SFFOA I may be required to exercise some responsibility in the enforcement, oversight, administration, etc. I forwarded the schedule to our flag football assigner and followed up to make sure the event was assigned and ensure that he kept records of the services provided, I followed up with our Treasurer to make sure an invoice was prepared and that it was forwarded to the Parks Department and that when payment is received our members paid. "Forebearance" I will be the one asking our members to be patient as they await payment for their services. So while I didn't work nor while I profit personally in any way I do have a duty to my membership and the organization to oversee that we provide the services agreed to by our membership and that the County carries out its responsibility to our members.

We'll await the opinion and any other solution that will allow our members to be paid for services provided. Please do not hesitate to call me at cell 305-801-3021 should you have any additional questions or concerns.

Very truly yours,



Geardo Gomez, President

Our Mission
To provide quality,
trained and impartial
contest officials to
area youth football
leagues

Visit our website by going to www.sffoa.org

INQ 15-176

County Employees Wishing to Register as County Vendors

Please submit the following information by mail, fax, **or** email to—

Gilma Diaz-Greco, Staff Attorney
The Commission on Ethics & Public Trust
19 West Flagler St., Suite 820
Miami, FL 33130

Phone: (305) 350-0638
Fax: (305) 579-0273
Email: gdiazgr@miamidade.gov

Employee's Name: GERARDO GOMEZ

Employee's Dept.: FINANCE (TAX COLLECTOR DIVISION)

Employee's Title: SPECIAL PROJECTS ADMINISTRATOR 2

Business Name: SOUTH FLORIDA FOOTBALL OFFICIALS ASSOCIATION, INC

Type of Business: FOOTBALL OFFICIALS ASSIGNING SERVICE

Employee's Mailing Address: 7245 SW 61 ST MIAMI, FL 33143

Employee's Daytime Phone: 305-875-1653

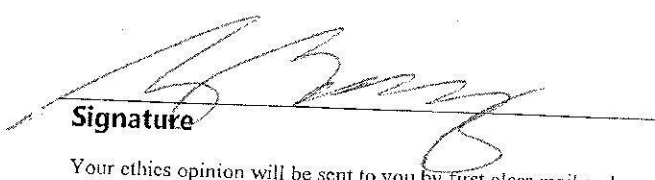
Employee's Preferred Email: sfboa@yahoo.com

Immediate Family Members: FLOR SARA VALLAZZA (CIA) SISTER
LUIGI VALLAZZA (TRANSIT) BROTHER-IN-LAW
(Please list the names, titles, and departments of any immediate family members currently employed by Miami-Dade Co.)

The Miami-Dade County Conflict of Interest & Code of Ethics at § 2-11.1 (c)(2) allows County employees to contract with the County in certain circumstances and if the following criteria are met. Please confirm that you will meet all of these criteria:

1. Entering into a contract with the County will not interfere with the full and faithful discharge of my duties to the County.
2. I will not participate in determining the contract requirements.
3. I will not participate in awarding the contract.
4. My job responsibilities and job description will not require me to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination, or forbearance.
5. I will not be working in the County department that enforces, oversees, or administers the contract.

I have read these requirements and pledge to abide by them.


Signature

8/12/2015
Date

Your ethics opinion will be sent to you by first class mail and email, unless you request another type of delivery.
COE 11/2013