

---

**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, August 25, 2015 3:16 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Othello L. Jones, HR Benefits Coordinator, Miami-Dade County Water and Sewer Department (Outside Employment) INQ 15-193

[INQ 15-193 Jones](#)

---

**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, August 25, 2015 3:15 PM  
**To:** Jones, Othello L. (WASD)  
**Cc:** Centorino, Joseph (COE); Perez, Martha D. (COE); Romero, Hector (WASD)  
**Subject:** Othello L. Jones, HR Benefits Coordinator, Miami-Dade County Water and Sewer Department (Outside Employment) INQ 15-193

Dear Ms. Jones:

You have inquired whether a conflict of interest would exist where an employee of the Miami-Dade Water and Sewer Department (WASD) has requested permission to engage in outside employment as a qualifier/general contractor (GC).

As background, Mr. Hector Romero is employed by WASD as a Pump Station Maintenance Supervisor. His job responsibilities include supervising and assisting in the installation, alteration, maintenance, and repair of a large variety of mechanical equipment used by large water or sewage pump stations. Mr. Romero does not supervise or have any oversight of any WASD construction projects nor does he participate in awarding or overseeing contracts WASD may have with County vendors.

He is seeking to activate his general contractor's license to engage in outside employment through his privately owned company as general contractor/qualifier. He asserts that his outside employment will not involve the use of County time or resources and that he will be available to respond to any emergencies that might arise in the pump station he supervises. His proposed outside employment schedule would be Monday, Wednesday and Friday from 6:00 p.m. to 8:00 which is outside of his County hours of employment.

#### Qualifier

With respect to Mr. Romero's prospective outside employment as a **qualifier**, I discussed this matter with him over the phone and advised him that in previous opinions the Ethics Commission has found that County employees should not engage in outside employment as qualifiers in the County. (RQO 07-02). Serving as a qualifier or signing a proposal in Miami-Dade County, constitutes a prohibited appearance in front of the County on behalf of a third party in regard to a contract. ((Miami-Dade County Code § 2-11.1 (m)(1)). Further, given that qualifiers are generally required to provide direct supervision of construction operations during regular business hours, serving as a qualifier would routinely involve visiting work sites and providing supervision during normal working hours. Therefore, working as a qualifier would conflict with his daily County duties and would thus likely impair the employee's independence of judgment in the performance of his public duties. ((Miami-Dade County Code § 2-11.1 (j); County Administrative Order 7-1(County business must be conducted free of the influence of employees' personal and private financial interests, both in appearance and in fact); and INQ 11-179 (Highway Division employee, whose primary duties involve reviewing plans, was denied outside employment as a construction qualifier because employee must be at private construction job sites during normal business hours))).

## General Contractor

Regarding Mr. Romero's outside employment as a **GC**, I discussed this matter with his supervisor and concur with him that **with certain limitations**, Mr. Romero's outside employment as a GC would not create a conflict of interest for him in the performance of his county duties. Mr. Romero's work as a GC is not closely related to the pump supervision function he performs in his County employment at WASD; his job responsibilities do not include the supervision or oversight of any WASD construction projects and he does not participate in awarding or overseeing contracts WASD may have with County vendors.

The following limitations would apply to Mr. Romero's outside employment as a GC:

- (1) He shall not work on projects in Miami-Dade County, or on any construction projects, if the outside work requires him to interact with County officials or other County personnel (INQ 05-121).
- (2) He shall not take action or make recommendations as a County employee on any matters involving firms and companies with whom he is affiliated with as a GC (INQ 05-121).
- (3) He shall not engage in activities of any kind that relate in any way to the outside employment during regular business hours, including phone calls or any other communications (INQ 13-57; INQ 11-179), and he may not use of any County resources (including, but not limited to, phones, copiers, computers, and fax machines) in connection with outside employment, even after work (INQ 05-29).
- (4) He shall not be involved in the oversight of any project that he works on as a GC (INQ 05-29), and he shall not interact with County staff on behalf of employees third-party clients, even if these interactions are routine and ministerial in nature ( 2-11.1 (m) and RQO 12-10).

Finally, a reminder that pursuant to the County Code at Section 2-11, County employees are required to request permission for outside employment from their supervisor (Request for Outside Employment form) on a **yearly** basis. The County Code at Section 2-11.1(k)(2) requires filing a financial disclosure form (Outside Employment Statement) on a **yearly** basis.

This opinion is based on the facts as presented. If these facts change, please contact us.

Best regards,

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](mailto:gdiazgr@miamidade.gov)  
[www.facebook.com/MiamiDadeEthics](http://www.facebook.com/MiamiDadeEthics)

*Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.*

---

**From:** Jones, Othello L. (WASD)  
**Sent:** Monday, July 06, 2015 7:15 AM

**To:** Diaz-Greco, Gilma M. (COE)

**Subject:** FW: Approval to operate as a Contractor

Good morning Gilma,

Please see detailed information below for Hector Romero's Outside Employment Request.

---

**From:** Romero, Hector (WASD)

**Sent:** Thursday, July 02, 2015 1:19 PM

**To:** Jones, Othello L. (WASD)

**Subject:** Approval to operate as a Contractor

1. Mr. Romero's job duties, responsibilities, etc., as a Water & Sewer Plant Maintenance Supervisor are as follows: Mr. Romero supervises and assists in the installation, alteration, maintenance, and repair of a large variety of mechanical equipment used by large water or sewage pump stations, mechanical equipment used for a large lime kiln; mechanical equipment found in flocculators; and filters, grinders, conveyors and screens. He makes inspections of pumps, turbines and other mechanical equipment, and in kiln brick work; determines materials, supplies and equipment required for repair and maintenance work; packs pumps, repairs valves, pumps, fans and softening equipment. He further establishes a schedule of preventive maintenance for all mechanical equipment to assure to continuous and satisfactory operation of the plant at all times. Inspects pumps, motors, and specialized plant equipment for operating condition and needed repairs;. Maintains accurate records of time, material, maintenance, and repair history of all equipment at the plant. Oversees cutting and welding with acetylene and electric equipment as well as related work as required.
2. This information is clearly stated and endorsed by his immediate supervisor Charles Sutton on Mr. Romero's May 6, 2015 Request for Outside Employment, however, Mr. Romero is seeking approval for outside employment as a Contractor/Qualifier in order to use his Contractor's License to pull Master Building Permits for an independent air conditioning company through the use of an expediter. His reviews of Plans and pulled Permits as well as job site visits, when required, will be performed outside his scheduled employment hours with Miami-Dade Water & Sewer Department.
3. Again, this information is clearly stated on Mr. Romero's May 6, 2015 Request for Outside Employment, however, Mr. Romero plans to use his Contractor's License as a qualifier for an independent air conditioning local company, which is completely unrelated and unaffiliated to County Contractors/vendors/other County employees.
4. Again, please refer to his May 6, 2015 Request for Outside Employment. Mr. Romero will not be seeking to contract with the County, any of its vendors and/or County employees under his Contractors License.
5. Again, this information is clearly stated on Mr. Romero's May 6, 2015 Request for Outside Employment, however, to further respond to your inquiry, Mr. Romero will not be using any of his Miami-Dade Water & Sewer scheduled employment hours, time or resources in the performance of his outside employment.

---

**From:** Jones, Othello L. (WASD)  
**Sent:** Wednesday, July 01, 2015 3:55 PM  
**To:** Romero, Hector (WASD)  
**Subject:** FW: Approval to operate as a Contractor

Hi Hector,

Send me the answers to these questions and I will forward it to them. Thanks

---

**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Wednesday, July 01, 2015 12:34 PM  
**To:** Jones, Othello L. (WASD)  
**Subject:** RE: Approval to operate as a Contractor

Mr. Jones:

Please send me the following information:

- 1- Detailed description of Mr. Romero's job duties, responsibilities, etc. as a County Plant Maintenance Supervisor.
- 2- Detailed description of responsibilities he will perform a qualifier.
- 3- Would his clients be County Contractors/vendors/other County employees?
- 4- Would he seek to contract with the County through his privately owned company?
- 5- Will he use County time or resources in the performance of his outside employment?

I am attaching the COE's Outside Employment Guidelines. After reviewing these guidelines, please send any other relevant information about Mr. Romero's outside employment.

If you have any questions, you may contact me at (305) 350-0638.

Best regards,

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](mailto:gdiazgr@miamidade.gov)  
[www.facebook.com/MiamiDadeEthics](http://www.facebook.com/MiamiDadeEthics)

*Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.*

---

**From:** Jones, Othello L. (WASD)  
**Sent:** Wednesday, July 01, 2015 10:57 AM

**To:** Diaz-Greco, Gilma M. (COE)  
**Subject:** RE: Approval to operate as a Contractor

Thank you

---

**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Wednesday, July 01, 2015 10:54 AM  
**To:** Jones, Othello L. (WASD)  
**Subject:** RE: Approval to operate as a Contractor

Mr. Jones:

Thanks for your email. Apologies for the delay. We have had a large number of inquiries, trainings, etc. We are working on this inquiry and will respond as soon as possible.

Best regards.,

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](mailto:gdiazgr@miamidade.gov)  
[www.facebook.com/MiamiDadeEthics](http://www.facebook.com/MiamiDadeEthics)

*Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.*

---

**From:** Jones, Othello L. (WASD)  
**Sent:** Wednesday, July 01, 2015 9:26 AM  
**To:** Diaz-Greco, Gilma M. (COE)  
**Cc:** 'gsaf@bellsouth.net'  
**Subject:** RE: Approval to operate as a Contractor

Good Afternoon Gilma,

Were you able to get any information on the information below?

---

**From:** Jones, Othello L. (WASD)  
**Sent:** Thursday, June 25, 2015 2:18 PM  
**To:** Diaz-Greco, Gilma M. (COE)  
**Cc:** 'gsaf@bellsouth.net'  
**Subject:** Approval to operate as a Contractor

Hello Gilma,

I work in the Water & Sewer Department and I process Outside Employment forms. I have a question regarding this employee, Hector Romero. Would it be a conflict of interest if he was to use his contractors license as a qualifier? His qualification is a W&S Plant Maintenance Supervisor. Please see attached forms to better explain his Outside Employment Request. Please advise. Thank you

**Othello L. Jones**  
**Benefits Coordinator**  
**Human Resources**  
**Miami Dade Water & Sewer Department**  
**3071 S.W. 38<sup>th</sup> Avenue**  
**Miami, FL 33146**  
[ojone@miamidade.gov](mailto:ojone@miamidade.gov)  
**786-552-8687 (O) 786-552-8813 (F)**  
**Connect With Us on [Twitter](#) | [Facebook](#)**


---

Privileged and Confidential

The information contained in this e-mail message is intended for the use of the individual or entity to which it is addressed and may contain information that is proprietary, privileged, confidential, and exempt from disclosure under applicable laws. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivery to the intended recipient, you are hereby notified that any use, printing, reproduction, disclosure or dissemination of this communication may be subject to legal restriction or sanction.

# Memorandum



**Date:** April 09, 2015  
**To:** Lester Sola  
Director, Miami Dade Water & Sewer Department  
**From:** Charles Sutton,  
Assistant Superintendent  
Pump Station Division   
**Subject:** Request For Outside Employment Statement

---

Attached for your review and endorsement is a request for outside employment from Mr. Hector Romero.

Mr. Romero is requesting approval to operate as a contractor/qualifier which will require approximately (6) six hours per week.

He has assured me that the time spent running the business will not interfere with his responsibilities of Plant Maintenance Supervisor or his ability to respond to any emergencies which might arise.

Please contact me if additional information is needed. My office telephone number is 786-268-5527. Y

cc: Hector Romero, Plant Maintenance Supervisor  
file

# MEMO

To: Lester Sola, Director  
Miami-Dade Water & Sewer Dept.

Cc: Albert Galambos, Division Chief  
Pump Station Maintenance Division  
Charles Sutton, W&S Assistant Superintendent  
Pump Station Maintenance Division

From: Hector Romero

Date: April 8, 2015

Re: Request for Outside Employment

---

I, Hector Romero, am hereby requesting authorization for outside employment as a Contractor/Qualifier.

I am a Water & Sewer Plant Maintenance Supervisor for the Pump Station Maintenance Division, under the supervision of Charles Sutton. My work hours are from 7:30 a.m. to 4:00 p.m., Monday through Friday.

My outside employment will not affect or interfere with my responsibilities during my regular work hours or during any emergency work requirements nor will it affect my on-call duties.

Should you require anything further or have any questions regarding the foregoing request, please contact me at (305) 218-9560 or (786) 236-7621 or via e-mail at: [hrome@miamidade.gov](mailto:hrome@miamidade.gov)

Thank you,

 04/08/15  
Hector Romero



# Memorandum



**Date:** May 6, 2015

**To:** Lester Sola  
Department Director  
Miami Dade Water & Sewer Department

**From:** Hector Romero  
Plant Maintenance Supervisor  
Pump Station Mechanical Maintenance Section  
South Service Area

**Subject:** Request for Outside Employment

---

Please allow the foregoing to serve as my formal request for authorization for outside employment as a Contractor/Qualifier. If approval is granted, I anticipate activating my General Contractor License in order to pull Master Building Permits for an independent air conditioning company when the job scope requires a master-sub relationship. Plan reviews and permits pulling will be completed by the use of an expeditor. The job site visits will be outside of my scheduled hours for Miami Dade Water & Sewer Department.

My outside employment will consume no more than six (6) hours per week and it will not, in any way, interfere with my responsibilities as a Plant Maintenance Supervisor nor will it be in any conflict with my On-Call or emergency response duties.

HR/gc

Attachment

Cc: Al Galambos  
Charles L. Sutton  
File



REQUEST FOR OUTSIDE EMPLOYMENT

Section 2-11 of the Miami-Dade County Code provides that County employees may accept incidental or occasional outside employment as long as the employment is not contrary, detrimental, or adverse to the interests of the County and as long as no County time, equipment, or material is used. Miami-Dade County Administrative Order 7-1 states that any full-time County employee intending to engage in outside employment must first obtain approval from his/her Department Director using this "Request for Outside Employment" form. These approvals must be renewed on an annual basis. Copies of all outside employment approvals shall be maintained in the centralized personnel files of the Human Resources Department. Each County Department shall also maintain appropriate records regarding outside employment requests. County employees engaging in outside employment must also file an "Outside Employment Statement" form with the Elections Department by July 1st of each year, in accordance with Section 2- 11.1(k)(2) of the Miami-Dade County Code.

Employee's Name: Hector Romero

Employee ID Number: 00023020

Present County Classification: W+S PLANT MAINTENANCE SUPERVISOR

Name of Company/Organization for Proposed Outside Employment: Self employed

Location of Proposed Outside Employment: Home

Work Schedule for Proposed Outside Employment: MONDAY - WEDNESDAY - FRIDAY 6:00PM - 8:00PM

Total Hours Per Week for Proposed Outside Employment: SIX HOURS

Will your proposed outside employer release you if and when your services are needed by the County? Yes  No

Employee's Signature [Signature] Date 04/08/15 Yes  No

\* Immediate Supervisor Signature [Signature] Date 04/10/15 Yes  No

\* Chief Signature \_\_\_\_\_ Date \_\_\_\_\_ Yes  No

Deputy Dir/Assist Director Signature (As needed) \_\_\_\_\_ Date \_\_\_\_\_ Yes  No

Department Director's Approval \_\_\_\_\_ Date \_\_\_\_\_ Yes  No

\* A justification memo should be attached for approval/denial