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16-168 Figueroa

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Friday, June 24, 2016 10:22 AM  
**To:** Figueroa, Gabriel (MDFR) <gabriel.figueroa@miamidade.gov>  
**Subject:** Limitations on Doing Business with the County Ethics Opinion INQ 16-168

Dear Firefighter Figueroa:

Attached is the Limitations on Doing Business with the County Ethics Opinion. Please note that it indicates that you **may** enter contracts with Miami-Dade County, but not with the **Miami-Dade Fire Rescue Department**. Further, you are required to **request permission for outside employment annually**, and you may not **lobby** for any contract between your business and Miami-Dade County. (See the County Ethics Code at Secs. 2-11.1 (c) and (m)(1).).

You may print a copy of the letter and submit it to the Procurement Department and also print a copy for your records. Please do not hesitate to contact me if you have further questions.

Sincerely,

Gilma (Mimi) Diaz-Greco  
Staff Attorney

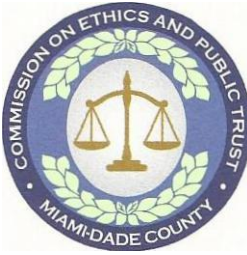


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Via email at: [gabef@miamidade.gov](mailto:gabef@miamidade.gov)

June 24, 2016

Gabriel D. Figueroa  
Miami-Dade Fire Rescue Department  
(Address withheld  
Pursuant to Chapter 119,  
Florida Statutes)

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

Re: INQ 16-168, Limitations on Doing Business with the County

Dear Firefighter Figueroa:

On June 13, 2016, you asked about limitations in doing business with the County through your privately owned business, GRITBORN, LLC (GRITBORN). You are employed as a Firefighter/Paramedic with the Miami-Dade Fire Rescue Department (MDFR).

GRITBORN may enter into contracts with Miami-Dade County but not with the Miami-Dade Fire Rescue Department. This opinion is based on the following facts and legal analysis:

### OUTSIDE EMPLOYMENT

Work conducted for your privately owned business constitutes outside employment. The Ethics Code prohibits County employees from engaging in conflicting outside employment. 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 obtain permission to engage in outside employment annually from your supervisor and file related financial disclosure forms every year.

#### CONTRACTING WITH THE COUNTY

Once you have been granted permission to engage in outside employment, you may enter into a County contract through your privately owned business, GRITBORN, 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, GRITBORN may not enter into contracts with the MDR.

#### LOBBYING

Additionally, you may not lobby the County. In this case, while you not contact anyone within the County in an attempt to **influence** a decision about any contract GRITBORN is 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), (d) 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 16-168  
Figueroa

June 24, 2016  
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My BlueBook Profile

### Search for County Employee

Select Department

Select Department ▼

Last Name                      First Name                      Office Number (305-xxx-xxxx)

Figueroa                      Gabriel                     

Exact Match

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First Name	Last Name	Position	Division	Department	Email Address	Phone Number	Office Location
GABRIEL	FIGUEROA	FIREFIGHTR	FIRE RESCUE DISTRICT OPERATIONS	FIRE RESCUE	gabriel.figueroa@miamidade.gov	786-331-5000	9300 NW 41 ST Miami FL 33178

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