

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, September 28, 2016 10:55 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: INQ 16-218 Guerrero

Importance: High

[Supervisor Addendum to INQ 16-218](#)

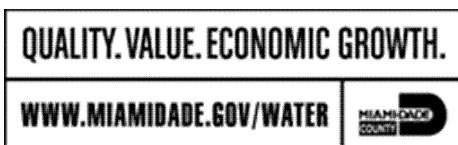
From: Vigil, Pedro (WASD)
Sent: Wednesday, September 28, 2016 10:25 AM
To: Guerrero, Guillermo (WASD) <Guillermo.Guerrero@miamidade.gov>
Cc: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Brewer-McDuffie, Cecilia (WASD) <Cecilia.Brewer-McDuffie@miamidade.gov>
Subject: RE: INQ 16-218 Guerrero
Importance: High

Mr. Guerrero,

Please submit the list of your company's client list to Cecilia and myself.

Thank you,

Pedro Vigil, GEC, Construction Manager III
Miami Dade County Water and Sewer Department
786-268-5172 Office
305-205-5152 Cellular
www.miamidade.gov/water
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From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, September 23, 2016 3:02 PM
To: Brewer-McDuffie, Cecilia (WASD)
Cc: Vigil, Pedro (WASD)
Subject: INQ 16-218 Guerrero

Good afternoon Cecilia:

I hope you are doing well. I just sent INQ 16-218 to Mr. Guerrero and copied you and Mr. Vigil. When I discussed this matter with Joe Centorino, he indicated that it would be most appropriate for Mr. Guerrero to submit the list of his company's clients to WASD rather than to the COE, because WASD has knowledge of the companies and entities that submit plans for review.

Please contact me if you have any questions. Hope you have a great weekend.

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
www.facebook.com/MiamiDadeEthics

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, September 23, 2016 3:11 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Guillermo Guerrero, Professional Land Surveyor, WASD (Outside Employment) INQ 16-218
Attachments: Guerrero bluebook.pdf; Sunbiz Guerrero Inc..pdf; Outside employment approval for G Guerrero 2015.pdf; Guillermo Guerrero OE Request 2016.pdf

[INQ 16-218 Guerrero](#)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, September 23, 2016 2:56 PM
To: Guerrero, Guillermo (WASD) <Guillermo.Guerrero@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Brewer-McDuffie, Cecilia (WASD) <Cecilia.Brewer-McDuffie@miamidade.gov>; Vigil, Pedro (WASD) <Pedro.Vigil@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Guillermo Guerrero, Professional Land Surveyor, WASD (Outside Employment) INQ 16-218

Dear Mr. Guerrero:

You have inquired about possible conflicts of interest between your County employment and your outside employment.

Background

You are employed at the Miami-Dade County Water and Sewer Department's (WASD), Utility Development Division, as a Professional Land Surveyor. Your job duties include reviewing and providing final approval on "as built" water and sewer installation plans submitted by property developers and utility contractors to verify that the final water and sewer lines conform to the submitted plans. In your County employment you routinely work with developers who are submitting water and sewer plans for private and commercial property developments in the County. You are engaged in outside employment through your privately owned company Guerrero Surveying and Mapping LLC (GSAM). We note that in 2015, you were granted permission to engage in this outside employment.

The day to day job functions of GSAM are performed by its employees. Your duties at GSAM include signing and sealing mortgage surveys performed by GSAM's staff. Your work for GSAM takes approximately 4-6 hours per week and is performed outside of your County hours. The mortgage surveys performed by GSM are limited to analyzing horizontal and vertical dimensional data on a property and verifying that any fixed and as-built improvements to the mortgaged property conform to boundary lines. They do not cover surveying water and sewer lines on the property.

You advise that GSAM does not contract with Miami Dade County or with any County vendors. It contracts with private mortgage companies that are not owned by businesses or developers that transact business with WASD and GSAM does not perform any work you or your subordinates review under your WASD duties. In addition, all mortgage surveys prepared by GSAM contain a disclaimer which states that the surveys are to be used exclusively for mortgage purposes and cannot be used for construction permits or any other matters submitted to Miami-Dade County Departments.

Legal Analysis

Sections 2-11.1(j) and (k) of the County Ethics Code prohibit County employees from engaging in outside employment which would impair the County employee's independence of judgment in the performance of his or her official duties or creates a conflict between the County employee's public duties and his or her private interests. Conflicting employment can occur when the outside employment is closely related to the employee's public duties and/or where the County employee deals with the same people or entities in both his/her outside employment and in his/her public position, *e.g.*, similar clients, suppliers, or subcontractors. See COE's Outside Employment Guidelines, September 2014. With respect to professional land surveyors, the Ethics Commission previously opined that a professional land surveyor employed by the County could accept outside employment as a land surveyor but was prohibited from reviewing any surveys submitted by his outside employer and also from reviewing any surveys submitted to the survey crews which he supervises. See RQO 03-113.

After a review of all of the facts presented here we concur with your supervisor that, as long as you follow the limitations listed below, your outside employment signing and sealing mortgage surveys for your company GSAM is not likely to create conflicting employment for the following reasons:

- GSAM does not contract and is not seeking to contract with WASD; its contracts specify that the surveys it prepares are to be used exclusively for mortgage purposes and cannot be used for construction permits or any other matters submitted to Miami-Dade County Departments.
- GSAM's clients are private mortgage companies that are not owned by businesses or developers that transact business with WASD and you would therefore be unlikely to deal with the same persons or entities in your outside employment that you deal with during your job functions at WASD.
- Your public duties and job functions as a WASD Professional Land Surveyor in the Utility Development Division involve reviewing and providing final approval on "as built" water and sewer installations which differs from your outside employment signing and sealing mortgage surveys which are limited to analyzing horizontal and vertical dimensional data on a property to verify that fixed and as-built improvements to the mortgaged property conform to boundary lines and do not cover surveying water and sewer lines on the property. Thus, the job functions would not be closely related.
- Your work with GSAM involves a small amount of hours and would occur outside of your County hours.

However, please note that certain ***limitations will apply***:

- Your company may not perform mortgage surveys for any mortgage company owned by a developer or any other entity or company which submits plans to WASD. (Miami-Dade Code § 2-11.1(j)).
- You must provide to for WASD oversight and review a list of the mortgage companies your currently do business with and provide updates to WASD of new GSAM clients.
- You may not use County time or resources in the furtherance of your outside employment (Miami-Dade Code § 2-11.1(g)).
- You are prohibited from using any confidential information acquired as a result of your County employment to derive a personal benefit (Miami-Dade Code § 2-11.1(h));and
- You cannot represent any of GSAM's clients in any matter before the County (Miami-Dade Code § 2-11.1(m)).

Furthermore, we remind you that all County employees engaged in outside employment must obtain permission to engage in that employment on a **yearly** basis. Miami-Dade Code §2-11, Administrative Procedure 7-1, and Procedure 403. Full-time County employees are also required to file an [Outside Employment Statement](#) on a **yearly** basis. Miami-Dade Code § 2-11.1(k)(2)

This opinion is based on the facts presented. If these facts change or if you have any further questions, please contact us. Inquiries regarding possible conflicts of interest under State law should be directed to the Florida Commission on Ethics.

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
www.facebook.com/MiamiDadeEthics

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My BlueBook Profile

Search for County Employee

Select Department

Select Department ▼

Last Name

First Name

Office Number (305-xxx-xxxx)

Guerrero

Guillermo

☐ Exact Match[My BlueBook Info](#)

Results

This is 1 out of 1 pages of results.

First Name	Last Name	Position	Division	Department	Email Address	Phone Number	Office Location
GUILLERMO	GUERRERO	PROFLDSRV	NEW CUSTOMER	WATER AND SEWER	E314135@miamidade.gov		

This is 1 out of 1 pages of results.

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FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS



Detail by Entity Name

Florida Profit Corporation

GUERRERO SURVEYING & MAPPING, INC.

Filing Information

Document Number	P14000043343
FEI/EIN Number	30-0829286
Date Filed	05/12/2014
State	FL
Status	ACTIVE
Last Event	REINSTATEMENT
Event Date Filed	10/20/2015

Principal Address

682 EAST 21 STREET
HIALEAH, FL 33013

Mailing Address

682 EAST 21 STREET
HIALEAH, FL 33013

Registered Agent Name & Address

GUERRERO, GUILLERMO, SR.
682 EAST 21 STREET
HIALEAH, FL 33013

Name Changed: 10/20/2015

Officer/Director Detail

Name & Address

Title P

GUERRERO, GUILLERMO, SR.
682 EAST 21 STREET
HIALEAH, FL 33013

Title T

GUERRERO, SILVIA
682 EAST 21 STREET
HIALEAH, FL 33013

Title D

GUERRERO, VICTOR H
682 EAST 21 STREET
HIALEAH, FL 33013

Title VP

GUERRERO, GUILLERMO, JR.
682 EAST 21 STREET
HIALEAH, FL 33013

Title S

GUERRERO, LAURAELENA
682 EAST 21 STREET
HIALEAH, FL 33013

Title D

GUERRERO, JOSE E
682 EAST 21 STREET
HIALEAH, FL 33013

Annual Reports

Report Year	Filed Date
2015	10/20/2015

Document Images[10/20/2015 -- REINSTATEMENT](#)[View image in PDF format](#)[05/12/2014 -- Domestic Profit](#)[View image in PDF format](#)



REQUEST FOR OUTSIDE EMPLOYMENT

Sections 2-11.1(j) and (k) of the Miami-Dade County Code provide 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 other resources are used**. Miami-Dade County **Administrative Order 7-1** and **Procedure 403** require that any 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. Full-time 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 §2-11.1(k)(2) of the Miami-Dade County Code. More detailed information on outside employment is available on the Miami-Dade Commission on Ethics website.

Employee's Name <i>Guillermo A. Guerrero</i>	Employee ID Number <i>E-314135</i>
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Present County Employment (check one)

<input checked="" type="checkbox"/> County <input type="checkbox"/> Public Health Trust	
Department <i>WASD/New Business/R.O.W</i>	Position or Title <i>Professional Land Surveyor</i>
Job Responsibilities (Please also include your work hours/days off and advise if you are on-call) <i>—see Attached</i> <i>Review and approval As-built Surveys, Easements, Closing streets and Allies, etc.</i>	

Proposed Outside Employment

Name of Company/Organization	<i>Guerrero Surveying and Mapping, LLC</i>
Job Title	<i>Professional Land Surveyor</i>
Responsibilities	<i>Check work performed by staff Sign and Seal Mortgage Surveys</i>
Location	<i>City of Hialeah, Miami-Dade Co.</i>
Work Schedule	<i>4-6 hrs. by week (after 6pm/saturday)</i>
Total hours per week	<i>6</i>
Will your proposed outside employer release you if and when your services are needed by the County? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

In my outside employment, I am employed by one of the following types of organizations:

- ☒ Company or organization that is not a County vendor.
- ☐ Company or organization that is a County vendor. (An Ethics Opinion should be requested to ensure that no conflict of interest exists, and the County employee is required to file a sworn affidavit disclosing such employment with the County Clerk of the Board.)
- ☐ Self-employed through my private business, whether incorporated or not. (If your privately-owned business is seeking to contract with Miami-Dade County, you are required to request an ethics opinion.)
- ☐ Company or organization owned by an immediate family member; defined as a spouse, domestic partner, parents, stepparents, children, and stepchildren of employee. (If the company owned by your immediate family member is seeking to contract with Miami-Dade County, ethics opinion is required.)

I affirm that the information I have provided is true and I pledge to abide by the requirements listed here.

Employee's Signature _____
Immediate Supervisor's Signature *For Pedro Vigil* _____
Division Chief's Signature _____
Deputy Director/Assistant Director (As Needed) _____

6-27-2016
Date _____
6-30-16
Date _____
6-30-16
Date _____
Date _____
Date _____

Department Director's Approval

WASD
HUMAN RESOURCES
RECEIVED

2016 JUL 25 AM 8:56

June 27, 2016

Mr. Lester Sola, Director
MIAMI-DADE WATER & SEWER DEPARTMENT
Douglas Building, 5th floor, Director's Office

Re: Outside employment request

Dear Mr. Sola:

Please accept this letter as my formal request to be allowed to perform land survey related work under the following conditions:

I am requesting this year to qualify with the D.O.A.C.S. of the State of Florida, a Land Survey company named Guerrero Surveying and Mapping, Inc. with offices in Hialeah, Florida.

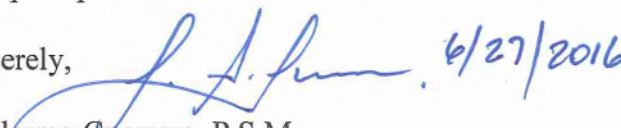
My duties with this company shall be limited to check the work performed by their employees, contracted with their own clients and fees negotiated by their own staff, and I will be signing and sealing said surveys.

This Company offer services only and exclusive to Mortgage Purposes. No work will be performed with any utility contractors that will be Reviewed under my duties with WASD, and do not created any conflict of Interest with my Land Survey work with WASD, This Company will not perform any Business with Miami Dade County Government.

I will be meeting with their staff during some evenings and on weekends, not during my regular working hours at this department, in order to conduct our business. I will only be involved in work assignments located **outside of Miami-Dade Water and Sewer Dept.** My compensation shall be a flat salary for said services, paid in accordance with their regular pay periods. I do not expect to spend more than 4 to 6 hours per week performing this work.

I hope this meets with your approval for this year and I want to thank you in advance for your prompt attention to this matter.

Sincerely,

 6/27/2016
Guillermo Guerrero, P.S.M.
Professional Land Surveyor
Right of Way Unit
Miami-Dade Water & Sewer Dept.

Cc: Pedro Vigil, GEC, Construction Manager III
: Ruben J. Arias, Chief New Customer Division.

Hernandez, Gabriel (WASD)

From: Hernandez, Gabriel (WASD)
Sent: Tuesday, August 02, 2016 12:13 PM
To: Guerrero, Guillermo (WASD)
Subject: RE: OUTSIDE EMPLOYEMENT REQUEST

Thank you

From: Guerrero, Guillermo (WASD)
Sent: Tuesday, August 02, 2016 12:00 PM
To: Hernandez, Gabriel (WASD)
Subject: RE: OUTSIDE EMPLOYEMENT REQUEST

Good morning,

I'm not currently working on call, and my current work schedule is Monday-Friday from 8:00 am to 12:00 m, and from 1:00 pm thru 5:00 pm.

Thanks,

Guillermo Guerrero, PSM
Right of Way Unit
Miami Dade County Water and Sewer Department
☎: 786-268-5268
www.miamidade.gov/water
Connect With Us on [Twitter](#) | [Facebook](#)



From: Hernandez, Gabriel (WASD)
Sent: Thursday, July 28, 2016 12:06 PM
To: Guerrero, Guillermo (WASD)
Subject: OUTSIDE EMPLOYEMENT REQUEST

Good afternoon,

I received your outside employment request; however in order to proceed with the process we need for you to verify if you are currently working on call? And also to give us your current work schedule. You can confirm by simply replying back to this email. If you have any questions feel free to contact me at any time.

Thanks,

Gabriel Hernandez Jr.,MBA Personnel Technician
Miami-Dade Water and Sewer Department
3071 SW 38 Avenue, Room 130, Miami, Florida 33146
786-552-8548 Phone



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.

RECEIVED
AUG 25 2015

Employee's Name: Guillermo A. Guerrero

Employee ID Number: E 314135

Present County Classification: Professional Land Surveyor

Name of Company/Organization for Proposed Outside Employment: Guerrero Surveying and Mapping, Inc.

Location of Proposed Outside Employment: 682 E. 21 St. Hialeah, Fl. 33013

Work Schedule for Proposed Outside Employment: 2-4 hrs week

Total Hours Per Week for Proposed Outside Employment: 2-4 hrs.

Will your proposed outside employer release you if and when your services are needed by the County?

Yes ☒ No ☐

Employee's Signature

June 30, 2015

Date

Yes ☒ No ☐

* Immediate Supervisor Signature

Date

Yes ☐ No ☐

* Chief Signature

Date

Yes ☒ No ☐

Deputy Director/Assistant Director Signature (As needed)

Date

Yes ☒ No ☐

Department Director's Approval

Date

Yes ☒ No ☐

* A justification memo should be attached for approval/denial