
INQ 16-88 Burgos

From: Perez, Martha D. (COE)

Sent: Thursday, March 17, 2016 1:44 PM

To: Burgos Santos, Cheryse (120804) <cheryse.burgossanto@jhs-miami.org>

Cc: Centorino, Joseph (COE) <CENTORI@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>

Subject: Cheryse Burgos Santos, JHS, Outside employment: INQ 16-88

Dear Ms. Burgos,

Thank you for following up with your responses. I will not repeat myself but will supplement my response. As the Assistant Vice-President of Managed Care for JHS, you negotiate contracts with health insurance companies to determine payment to JHS for services provided to members of their plans.

Your inquiry is two-fold:

- 1) Whether your activities with YLEO constitute outside employment; and,
- 2) If the answer to #1 is "yes", whether the outside employment presents a conflict of interest with your County employment.

As an independent distributor for YLEO, in addition to the description provided below, you have the ability to earn commissions upon the sale of essential oil products. Consequently, you are engaged in outside employment. See Page #4, "Outside Employment Guidelines" Memorandum (already provided). Consequently, you must obtain approval for outside employment from your supervisor. Once permission is obtained, you must also file an annual "Outside Employment Statement" with the Department of Elections. See Response below.

Your employment as an Independent Distributor for Young Living Essential Oils does not present a prohibited conflict of interest with your present County employment. Section 2-11.1(j) of the County Ethics Code, prohibits a County employee from accepting other employment which would impair his or her independence of judgment in the performance of his or her public duties. Given the facts described herein, it appears that your duties and responsibilities as an independent distributor for YLEO do not conflict with your duties and responsibilities for the County (JHS). However, please note, ultimate approval of outside employment always resides with your supervisor.

While there does not appear to be a conflict regarding your County employment and your business with YLEO, several sections of the County Ethics Code should be addressed:

- Section 2-11.1(g) prohibits you from using your County position to secure special privileges or exemptions for yourself or YLEO company (This involves engaging in activities that relate in any way to your outside employment during regular business hours, including phone calls, or any other communication and/or use of County resources such as, telephones, copiers, computers, faxes, County vehicles, in connection with the outside employment). See also A) 5-5 and AO 7-1;
- Section 2-11.1(h) prohibits you from disclosing confidential information acquired by reason of your official County position;
- Section 2-11.1(m)(1) prohibits you from appearing before any County agency or meet with staff or elected officials to make a presentation or seek a benefit on behalf of YLEO

These opinions are based on the facts as presented. If any of these facts change, please contact us.

Sincerely,

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

19 West Flagler St. Suite 820

Miami, FL 33130

(305)350-0656

PEREZMD@miamidade.gov

Miami-Dade County is a public entity subject to Florida's public record laws. Any communication with this office, including e-mail messages, could be considered a public record subject to disclosure.

From: Burgos Santos, Cheryse (120804) [<mailto:cheryse.burgossanto@jhsiami.org>]

Sent: Wednesday, March 16, 2016 12:31 PM

To: Perez, Martha D. (COE)

Cc: Centorino, Joseph (COE)

Subject: RE: Cheryse Burgos Santos, JHS, Outside employment: Follow up

Good afternoon,

My apologies for not responding sooner. Please see my responses below in red.

I look forward to your response.

Cheryse Burgos Santos

Associate Vice President

Department of Managed Care Contracting

Jackson Health System

1500 N.W. 12 Avenue, Suite 1109E

Miami, FL 33136

Office: 305-585-5007

Fax: 305-355-2293

cheryse.burgossanto@jhsiami.org

From: Perez, Martha D. (COE) [<mailto:perezmd@miamidade.gov>]

Sent: Monday, March 14, 2016 11:56 AM

To: Burgos Santos, Cheryse (120804)

Cc: Centorino, Joseph (COE)

Subject: Cheryse Burgos Santos, JHS, Outside employment: Follow up

Dear Ms. Burgos,

I have not heard back from you. You inquired whether your involvement with Young Living Essential Oils (YLEO) may present a conflict with your current employment at Jackson Health System (JHS).

By way of background, you are the new Associate Vice-President for Managed Care for JHS. Your involvement with YLEO consists of purchasing over \$100 in products, which automatically makes you eligible to receive company distribution checks; a website, hosted by the company; and, a \$50 fixed payment for introducing new members to YLEO. You also advise that this interaction with YLEO takes place outside your normal work at JHS.

County employees are required to obtain departmental approval before engaging in outside employment. See §2-11. Miami-Dade County Code and AO 7-1. In addition, an employee who has been granted outside employment must file a financial disclosure form (Outside Employment Statement) with the Supervisor of Elections on a yearly basis. See §2-11.1(k)(2), County Ethics Code. An employee's supervisor has the discretion to deny outside employment if at any time, he/she determines that such employment is contrary, detrimental or adverse to the interests of the County of PHT-JHS. See §2-11, Miami-Dade County Code; RQO 00-110.

In general, providing services to a business, including marketing services, may be considered outside employment. See Ethics Commission "Outside Employment Guidelines" Memorandum (September 2014) attached herein. We do not have sufficient information to determine whether your activities at YLEO fall under the category of "member" or "independent distributor, the latter clearly indicating a business relationship. It is unclear whether the company "perks" are the result of your enrollment in the company's "Essential Rewards" members' program or part of a Distributor Agreement with the company. Hence, we would need more detailed information before we are able to opine on whether this activity constitutes outside employment, requiring supervisor approval.

Should you have any questions, kindly contact us.

Sincerely,

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

19 West Flagler St. Suite 820

Miami, FL 33130

(305)350-0656

PEREZMD@miamidade.gov

Miami-Dade County is a public entity subject to Florida's public record laws. Any communication with this office, including e-mail messages, could be considered a public record subject to disclosure.

Good morning Ms. Burgos Santos,

In order to assist you with this inquiry, I would appreciate it if you would respond to the following:

- 1) Is the basis of this inquiry whether your involvement with YLEO constitutes outside employment? **OR**, having already established that it constitutes outside employment and having already obtained approval from your supervisor, whether your employment with YLEO presents a conflict of interest under the County Ethics Code? **My inquiry is to a) determine if my involvement constitutes outside employment. And, if it does b) does it present a COI?**
- 2) What are your current duties and responsibilities in your JHS position? **I am the assistant vice president of managed care and negotiate contracts with health insurance companies to determine payment to Jackson for services provided to members of their plans.**

- 3) Are you a YLEO member, customer or independent distributor? Please specify. **Did you complete an application or execute an agreement? Independent distributor. I did sign an online agreement.**
- 4) What is your website's address? What does your website consist of? www.youngliving.com/cheryse1027 - it is a nominal fee of \$9(.99 per month to have the website hosted by the company. Interested parties can go to the website and browse to see products and purchase or sign up to become distributors themselves.
- 5) Does YLEO transact business with the County? JHS/PHT? If so, please elaborate. **Not to my knowledge.**

Thanking you in advance for your responses.

Sincerely,

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

19 West Flagler St. Suite 820

Miami, FL 33130

(305)350-0656

PEREZMD@miamidade.gov

Miami-Dade County is a public entity subject to Florida's public record laws. Any communication with this office, including e-mail messages, could be considered a public record subject to disclosure.

From: Burgos Santos, Cheryse (120804) [<mailto:cheryse.burgossanto@jhs-miami.org>]

Sent: Thursday, March 03, 2016 1:13 PM

To: Ethics (COE) <ethics@miamidade.gov>

Subject: Outside Employment inquiry

Good afternoon,

I am the new Associate Vice President for Managed Care for the Jackson Health System as of February 8, 2016. I met with Eugene Shy from the County Attorney's office yesterday and began a discussion about financial disclosure. He suggested I contact you to clarify a question regarding my involvement with Young Living Essential Oils to determine if a conflict exists with regard to outside employment.

About a year ago my family began using the products for personal use and over time I have shared with friends and family. I am not required to purchase a minimum amount monthly but I choose to actively use the products and do purchase over \$100 in products monthly which automatically makes me eligible for distribution checks. The amount the company sends me is dependent upon my 1) spending \$100 per month and 2) the amount of purchases those in my "downline" have made that month. I do have a website that is hosted by the company. Apart from that, if a new person signs up and gives me "credit" for introducing them to the product, I receive a fixed \$50 payment. All of the Young Living interactions take place outside of my normal business hours at Jackson.

I am happy to provide additional information if necessary. I look forward to your response.

Thank you,

Cheryse Burgos Santos

Associate Vice President

Managed Care

[Jackson Health System](#)

1500 N.W. 12 Avenue, Suite 1109E
Miami, FL 33136
Office: 305-585-5007
Fax: 305-355-2293
cheryse.burgossanto@jhsiami.org