



MIAMI-DADE
COMMISSION ON ETHICS & PUBLIC TRUST

May 16, 2016

Mr. Juan Silva, Director
Facilities and Utilities Management Division
Miami-Dade County Internal Services Department
200 NW First Street
Miami, Florida 33128

Re: **RQO 16-02**
Conflicting Outside Employment- Mr. Ashiel-Callwood
Miami-Dade County Code at §2-11.1(j)

Dear Mr. Silva:

At a public meeting on May 11, 2016, the Miami-Dade Commission on Ethics & Public Trust opined that, *with limitations*, Mr. Ashiel Callwood's (hereinafter "Callwood") outside employment as security officer for Security Alliance, LLC, a County vendor, is not likely to conflict with his duties to the County as a part-time console security specialist.

THESE LIMITATIONS include that he shall not be assigned to any area or facility which is serviced by his outside employer in any capacity, and he shall not be supervised by any County official or staff assigned to oversee, negotiate, enforce or otherwise have any involvement with the County contract/agreement with Security Alliance. The Ethics Commission also recommends that if Mr. Callwood's status as a part-time County console security specialist assigned to the Facilities & Utilities Management Division of the County's Internal Services Department (hereinafter "ISD-FUMD") changes at any time while he continues his outside employment with Security Alliance and/or any other County vendor, he shall bring this matter to the attention of the Ethics Commission for further review.

AS BACKGROUND, Mr. Ashiel Callwood (Callwood) is employed part-time as a console security specialist with the ISD-FUMD. His job responsibilities include the monitoring of building alarms and cameras from a stationary post, the processing of personnel ID cards, maintaining logs, key inventory, journals and coordinating service requests for County-maintained buildings, to wit: West Dade Permitting & Inspection Center, located at 11805 SW 26 St., Miami, Florida and/or the Elections Headquarters Building, located at 2700 NW 87th Avenue, Miami, Florida. Prior to his employment with the County, Callwood held and still holds a full-time position as security officer with Security Alliance, LLC. Security Alliance is a

County vendor which provides security services for the County.¹ As security officer for Security Alliance, Callwood is one of two roving patrol guards who patrol on bicycle several Downtown buildings for the County, to wit: the perimeter of the Main Library, CSF Building, 111 Building, Hickman Building, 140 Building, Overtown Transit Village, the Children's Courthouse and the East Courthouse.

Callwood disclosed his outside employment at the time of his hiring with the County, however, he was not instructed to submit a Request for Outside Employment at that time.² Callwood has since submitted his request and you would like guidance from the Ethics Commission on whether his outside employment presents a conflict of interest with his part-time County position.

THE COUNTY ETHICS CODE prohibits County employees from engaging in other employment that would impair their independence of judgment in the performance of their public duties.³ To that end, it becomes imperative for all employees to avoid any and all instances which represent or may represent conflicts between their personal interests and their public duties.⁴ Consequently, it is within the discretion of County department directors to deny outside employment if it is determined, *at any time*, to be contrary, detrimental or adverse to the interest of the County or the employee's department.⁵

Inquiries concerning conflicting outside employment often involve a consideration of a myriad of factors, among them, whether there is a close relation or similarity between the employee's duties to the County and his or her duties to the outside employer. In this instance, Callwood's employment as a security guard for a County vendor is similar to the work he performs on a part-time basis as console security specialist for ISD-FUMD, *except that*, Callwood's duties with the County involve stationary activities limited to a specific building which is different from his duties for the County vendor, which involve actively patrolling an area or perimeter on bicycle.

In addition to the "closely-related" factor, in this case we are faced with an outside employer who is also a County vendor providing a service to the same County department/division where Callwood is assigned. Generally, the Ethics Code does not prevent an employee from being employed by a County vendor, *as long as the employee does not have any involvement with the vendor's contract*.⁶ In this instance, it is undisputed that Callwood does not oversee the contract between the County and his outside employer. His part-time position as console security specialist with the County does not confer upon him any managerial functions, including but not limited to, administering the contract, recommending security initiatives, selecting security

¹ ISD-FUMD manages and maintains County-operated facilities and, among its many responsibilities, administers countywide security contracts, including the contract with Security Alliance.

² Earlier ethics opinions limited the requirement to obtain approval for outside employment to full-time employees. The Ethics Commission recently clarified that, pursuant to Administrative Order 7-1, ALL County employees are required to seek authorization from their department directors before engaging in outside employment.

³ Miami-Dade County Code at Sec. 2-11.1(j)

⁴ Miami-Dade County Administrative Order 7-1 (AO 7-1).

⁵ Miami-Dade County AO 7-1; RQO 00-10.

⁶ Ethics Commission Inquiry No. 11-67

contractors, managing contracts, overseeing security County projects, or, monitoring security personnel.

There are other factors which have been considered in support of finding no conflict with Callwood's outside employment:

- Although Callwood's outside employer services County facilities, it does not service any of the County facilities assigned to Callwood;
- Callwood has no contact or interaction with the same people or entities in his outside employment and/or County position;
- Callwood performs his full-time outside employment outside his County part-time hours;
- Callwood does not use the same or similar resources at his outside employment as he uses in his County position;
- Callwood's outside employment does not require him to interact with other County ISD-FUMD employees on a routine basis.

Consequently, Callwood's outside employment at this time is not likely to impair his independence of judgment in the performance of his County duties. However, the Ethics Commission strongly recommends that the following limitations be imposed on Callwood's permission to engage in the aforementioned outside employment:

- Callwood shall not be assigned to any area or facility which is serviced by his outside employer in any capacity;
- Callwood shall not be supervised by any County official or staff assigned to oversee, negotiate, enforce or otherwise have any involvement with the County contract/agreement with Security Alliance;
- Callwood must complete an Affidavit with the Miami-Dade Clerk of the Courts, disclosing employment with a County vendor⁷;
- Callwood shall not use County time or resources (including but not limited to, phones, radios, computers, equipment) in furtherance of his outside employment⁸;
- Callwood shall not use any confidential information acquired as a result of his County position, nor shall he ever disclose confidential information gained through his County position, nor shall he ever use such information, directly or indirectly, for his own personal gain or benefit or the gain or benefit of his outside employer⁹;
- Callwood shall not represent his outside employer in any matter before the County¹⁰.

In addition to the aforementioned limitations, Callwood must be reminded that he is required to obtain permission to engage in outside employment on an annual basis by filing a Request for

⁷ Miami-Dade County Code at Sec. 2-11.1(f).

⁸ Miami-Dade County Code at Sec. 2-11.1(g).

⁹ Miami-Dade County Code at Sec. 2-11.1(h).

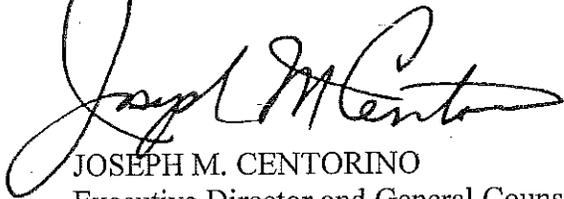
¹⁰ Miami-Dade County Code at Sec. 2-11.1(m)(1).

Outside Employment with his Department Director¹¹ and file an Outside Employment Statement with the County's Elections Department by noon on July 1st of each year.¹²

This opinion construes the Miami-Dade County Ethics Code and is not applicable to other conflicts under County and State laws.

Kindly forward this opinion to Mr. Callwood. If you have any questions regarding this opinion, please contact the undersigned or Staff Attorney Martha D. Perez at (305) 579-2594.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph M. Centorino". The signature is fluid and cursive, with a large initial "J" and "C".

JOSEPH M. CENTORINO
Executive Director and General Counsel

Copies: Ashiel Callwood, Part-time employee, at Ashiel.Callwood@miamidade.gov
Cynthia Garrote, Ethics Officer, at GARROTE@miamidde.gov

¹¹ Miami-Dade County AO 7-1.

¹² Miami-Dade County Code at Sec. 2-11.1(k)(2).