

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Monday, December 18, 2017 3:42 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Vivian Calvet, Personnel Specialist 2, Miami-Dade Corrections and Rehabilitation Department (outside employment) INQ 17-280

[FW: INQ 17-280 Calvet](#)

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**From:** Turay, Radia (COE)  
**Sent:** Monday, December 11, 2017 5:28 PM  
**To:** Calvet, Vivian (MDCR) <[Vivian.Calvet@miamidade.gov](mailto:Vivian.Calvet@miamidade.gov)>  
**Cc:** Pierre, Alourdes (MDCR) <[Alourdes.Pierre@miamidade.gov](mailto:Alourdes.Pierre@miamidade.gov)>; Kirkland, Tina (MDCR) <[Tina.Kirkland@miamidade.gov](mailto:Tina.Kirkland@miamidade.gov)>; Prats, John (MDCR) <[John.Prats@miamidade.gov](mailto:John.Prats@miamidade.gov)>; Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Subject:** INQ 17-280, Vivian Calvet, Personnel Specialist 2, Miami-Dade Corrections and Rehabilitation Department (outside employment)

Dear Ms. Calvet,

You have inquired whether a conflict of interest would exist where you, an employee working for the Miami-Dade Corrections and Rehabilitation Bureau (MDCR), has requested permission to engage in outside employment as a Zumba instructor for Fitness International, LLC.

### Background

You are a Personnel Specialist 2 for the Miami-Dade Corrections and Rehabilitation Department (MDCR). Your current job responsibilities include supervision of the Payroll Unit staff that perform numerous and complex assignments related to the processing of payroll related documents for more than 2,690 MDCR employees, such as the accuracy of employees pay, Personnel Change Documents, uniform/non-uniform allowance pay, holiday pay, completion of signature authorization forms; and responding to a high volume of inquiries by phone and/or email regarding the Payroll Unit.

You are seeking to engage in outside employment as a Zumba instructor Fitness International, LLC, a County vendor. In your role as a Zumba instructor, you will teach Zumba at LA Fitness Clubs.

### Legal Analysis

The Ethics Code at Section 2-11.1(j) states that a government employee may not accept outside employment that impairs his or her independence of judgment in the performance of public duties. See County's Administrative Order 7-1. Generally, the County 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. See INQ 17-236; INQ 15-115; INQ 11-67.

Based on the information that you have provided to us at this time, it appears to be unlikely that the type of outside employment that you are seeking to engage in would impair your independence of judgement in the performance of your County duties as a Personnel Specialist 2 for MDCR. In your County position, you do not have the authority to approve or disapprove any agreements for services between the County and Fitness International, LLC; you have no involvement in the selection, oversight, or administration of the County contract with Fitness International, LLC; and you have no responsibilities and/or duties that involve the County contract with Fitness International, LLC.

As a reminder, pursuant to 2-11 of the County Code, County employees are required to request permission to engage in outside employment from their supervisor on a yearly basis and complete an Outside Employment Statement by July 1<sup>st</sup> of each year. See Section 2-11.1(k)(2) of the Ethics Code; and A.O. 7-1. In addition, County employees employed by County vendors must file an Affidavit with the Miami-Dade county clerk of the Courts disclosing employment with that vendor. See Sec. 2-11.1(f) of the Ethics Code.

Finally, County employees are cautioned that they may not engage in any activity which would require them to disclose confidential information acquired by reason of their official position, nor use such information directly or indirectly for their personal gain or benefit. See Section 2-11.1(h), County Ethics Code. Lastly, a County employee may not use his or her official County position to secure privileges or exemptions for themselves or others. See Section 2-11.1(g), County Ethics Code.

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

Sincerely,

**RADIA TURAY**

Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 350-0601  
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**From:** Calvet, Vivian (MDCR)  
**Sent:** Monday, December 11, 2017 4:51 PM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Cc:** Pierre, Alourdes (MDCR) <[Alourdes.Pierre@miamidade.gov](mailto:Alourdes.Pierre@miamidade.gov)>; Kirkland, Tina (MDCR) <[Tina.Kirkland@miamidade.gov](mailto:Tina.Kirkland@miamidade.gov)>; Prats, John (MDCR) <[John.Prats@miamidade.gov](mailto:John.Prats@miamidade.gov)>  
**Subject:** RE: Ethics Opinion for Vivian Calvet - Follow-up

Dear Ms. Radia Turay:

Per your request, below are the answer to your two (2) questions:

- 1) Where will you teach the Zumba classes (will you teach the classes here at the County)? - I will teach Zumba at the LA Fitness Clubs
- 2) Please confirm that you have no involvement in the contract between Fitness International, LLC and the County. – NO

Regards,

Vivian Calvet, EMBA  
Payroll Unit Supervisor  
Personnel Management Bureau  
Martin Luther King Office Building  
2525 NW 62<sup>nd</sup> Street, Suite 2000, Miami, FL 33147  
Phone 786-263-6213; Fax 786-263-6004  
Email: [Vivian.Calvet@miamidade.gov](mailto:Vivian.Calvet@miamidade.gov)  
Miami-Dade County Webportal: [www.miamidade.gov](http://www.miamidade.gov)  
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**From:** Turay, Radia (COE)  
**Sent:** Monday, December 11, 2017 12:00 PM  
**To:** Calvet, Vivian (MDCR) <[Vivian.Calvet@miamidade.gov](mailto:Vivian.Calvet@miamidade.gov)>  
**Subject:** FW: Ethics Opinion for Vivian Calvet

Hello Ms. Calvet,

My name is Radia Turay. I am a staff attorney for the Miami-Dade Commission on Ethics and Public Trust. We were asked to provide a conflict of interest opinion regarding your outside employment request because your proposed outside employer is a County vendor. In order to assist with the process please answer the questions below:

- 1) Where will you teach the Zumba classes (will you teach the classes here at the County)?
- 2) Please confirm that you have no involvement in the contract between Fitness International, LLC and the County.

Thanks,  
Radia.

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**From:** Kirkland, Tina (MDCR)  
**Sent:** Thursday, December 07, 2017 5:07 PM  
**To:** Ethics (COE) <[ethics@miamidade.gov](mailto:ethics@miamidade.gov)>  
**Subject:** Ethics Opinion for Vivian Calvet

Greetings,

The attached is being submitted on behalf of Vivian Calvet for an Ethics Opinion.

Should you require additional information, please feel free to contact me at the number below.

Thanks

*Shawntia Kirkland, Personnel Specialist 2*  
Personnel Management Bureau, Employee Relations  
**Miami-Dade Corrections & Rehabilitation Department**  
2525 NW 62<sup>nd</sup> Street, Suite 2000  
Miami, Florida 33147  
(Office) 786-263-6196 (Fax) 786-263-6127  
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