



**Miami-Dade Commission on Ethics & Public Trust**

**Investigative Report**

**Investigators:** Breno Penichet

<b>Case Number:</b> K14-063	<b>Case Name:</b> Cole Outside Employment	<b>Date Open:</b> 7/14/14	<b>CASE CLOSED</b>  Date: <u>9/17/14</u>
	<b>Subject(s):</b> Thomas Cole		

**Allegation(s):**

The COE received an anonymous call alleging that Miami-Dade County Fire Rescue (MDFR) Battalion Chief, Thomas Cole (Cole) had outside employment with the Bureau of Fire Standards & Training (BFST). According to the caller, in his position as a field representative, Cole provides training and certifying members of MDFR.

The caller explained that BFST is the certifying agency for firefighters and fire training facilities. The caller felt that having Cole involved is a conflict.

An investigation was initiated to determine if Cole was involved in conducting certification training for MDFR personnel or had any other type of involvement that conflicts with his County position.

**Relevant Ordinances:**

**Conflicting employment prohibited, Sec. 2-11.1(i)**, Miami-Dade Conflict of Interest and Code of Ethics Ordinance.

“No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties.

**Prohibition on outside employment, Sec. 2-11.1(k)(2)**, Miami-Dade Conflict of Interest and Code of Ethics Ordinance.

“All full-time County and municipal employees engaged in any outside employment for any person, firm, corporation or entity other than Miami-Dade County...shall file, under oath, an annual report indicating the source of the outside employment, the nature of the work being done pursuant to same and any amount of types of money or other consideration received by the employee from said outside employment...”

**Exploitation of official position prohibited, Sec. 2-11.1(g)**, Miami-Dade Conflict of Interest and Code of Ethics Ordinance.

“No person included in the terms defined in subsection (b)(1) through (6) and (b)(13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others...”

### **Investigation:**

#### Interviews:

**Flora Seff** (Seff)  
Legal Advisor, MDFR

Seff was contacted regarding this matter and advised of the nature of the investigation. Seff advised that all the outside employment that has been granted up to this point will be honored. In the future, prior to granting any requests, the employees will have to obtain an opinion. Seff advised that she was not aware of any problems related to Cole's outside employment. Seff advised that Cole would be required to file the Source of Income Statement with the Elections Department.



**Thomas Cole**

Battalion Chief, MDFR

Cole was contacted regarding this matter and advised of the nature of the investigation. Cole advised that his outside employment request has been granted because it does not conflict with his duties. Cole advised that he is a Field Examiner for the BFST. Cole advised that his position as a field representative only applies to the different training centers in the southern area. Cole advised that he along with 2 other field reps, inspect the center to insure they are within State standards and are using the proper teaching aids. Cole advised the facilities he inspects are usually connected to a training facility or a college. Cole advised that in the future he would request an opinion if required. Cole was advised he would be required to file an Outside Employment Statement with the Elections Department by July 2015. It should be noted that Cole was authorized to work in this position as of April 2014.

**Documents Reviewed:**

1. Request for Outside Employment / Approved 4/8/2014
2. RQO 09-16 Cristobal Aguirre / HazMat training.

**Note:**

On April 24, 2014, Seff requested clarification as to whether fire fighters who work as trainers on their own time were in violation of the ethics code. In her request, she inquired if certain employees in varying jobs had violated the MDC Ethics Code in providing training to MDFR personnel while in an off-duty capacity. (Letter in file)

In response, the COE opined that outside employment teaching MDFR employees would conflict with their duties to the County, or impair their independent judgment in the performance of their public duties. (INQ-138). (see Diaz-Greco email to Seff in file)

**Conclusions:**

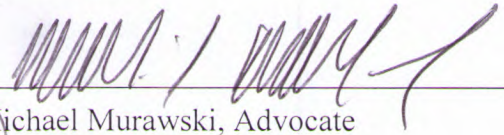
It appears that Chief Cole's role with BFST is one of inspection and compliance; there is no evidence to show that Cole is teaching MDFR employees; he only certifies that teaching facilities meet the State requirements.

After discussion with COE Advocate Michael Murawski, he advised that no further action would be taken. Accordingly, it is recommended that the above case be closed.

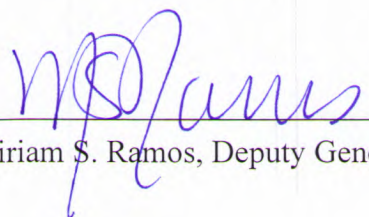


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Breno Penichet, COE Investigator

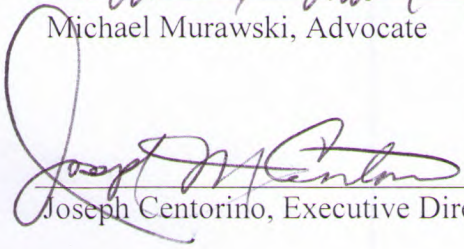
Approved by:



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Michael Murawski, Advocate



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Miriam S. Ramos, Deputy General Counsel



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Joseph Centorino, Executive Director

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9/17/14  
Date