



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigators: Manuel W. Diaz, Breno Penichet

Case Number: K14-123	Case Name: Outside Employment	Date Open: Oct. 20, 2014	CASE CLOSED
Complainant(s): Alberto Torres	Subject(s): Porfirio Garcia	Date: 6/23/2015	

Allegation(s):

The COE was contacted and advised that a County vendor, AJV Collision, Inc. owner, Porfirio Garcia (Garcia) is a Miami-Dade County employee. An investigation was initiated to determine if Garcia requested permission for outside employment from his department and filed the appropriate disclosures required by employees engaged in outside employment.

Relevant Ordinances:

Administrative Order 7-1 - Miami-Dade County states that any full-time County employee intending to engage in outside employment must first obtain approval from his/her Department Director using a "Request for Outside Employment" form. These approvals must be renewed on an annual basis.

Miami Dade County Conflict of Interest and COE of Ethics Ordinance. Sec 2-11.1

(k) Prohibition on outside employment.

(2) All full-time County and municipal employees engaged in any outside employment for any person, firm, corporation or entity other than Miami-Dade County, or the respective municipality, or any of their agencies or instrumentalities, 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 or types of money or other consideration received by the employee from said outside employment.

Investigation:

Documents Reviewed:

The Miami-Dade Electronics Management System (EDMS) was queried.

Garcia's employment records index contained a copy of a Request for Outside Employment signed and received by Miami-Dade Human Resources on 11/04/11.

Garcia's financial disclosure index contained a copy of a Request for Outside Employment signed on 11/04/11 and received by Miami-Dade Human Resources. (copy of same form filed in employee records index)

The EDMS did not contain any annual Financial Income Statements filed by Garcia.

Mr. Porfirio Garcia

Garcia was contacted and the filing requirements were explained to him in Spanish by Investigator Penichet.

Garcia conceded that he failed to previously file the forms because of his lack of understanding of the specifics of the annual filing requirements.

Garcia speaks and reads very little English; Garcia was provided blank copies of the Request for Outside Employment, and Financial Income Statements. Garcia advised he would file the required forms and provide copies to the COE, as soon as they clear the system and become available.

Garcia provided all forms requested to Investigator Penichet and they are included in the case file.

Miami-Dade County Commission on Ethics and Public Trust INQ. 12-128 – issued July 30, 2012.

The INQ acknowledges that Garcia has ownership in, ALV Collision Specialist III, Inc. The INQ advises that AJV Collision Specialist III, Inc. may not enter into contracts with the Miami-Dade County Transit Department. (They cannot work on any MDT vehicles).

Copy of INQ in file.

Florida Department of State: Division of Corporations.
www.sunbiz.org

AJV Collision Specialist III, INC. is listed as a Florida Profit Corporation. Garcia is listed as Vice-President.

Summary of Facts:

The COE received information that Garcia is a Miami-Dade County employee and also is an owner of a business that is a vendor with Miami-Dade County.

Garcia's employment with Miami-Dade County was verified. He works for Miami-Dade Transit as a mechanic /welder; his official job title is "8010 Bus Body Tech." Garcia is not required to file an annual financial disclosure statement, due to his job classification, only because of his outside employment.

In 2012, Garcia inquired if his ownership in a company that is a vendor with Miami-Dade County would create a conflict.

INQ 12-128 advised Garcia that his company could contract with the County but was prohibited from contracting with Miami-Dade Transit.

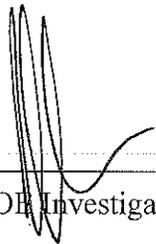
Inquiries into the County's electronic data indicate that Garcia requested and received permission for outside employment in 2012. He did not request permission in 2013, and 2014.

Conclusions:

Garcia was contacted and advised that he must file disclosure of outside employment statements for years 2012, 2013 and 2014. Garcia advised he would comply, he also advised he would provide along with the above mentioned, the Authorizations for Outside Employments for 2012, 2013 and 2014. Garcia provided COE investigator Penichet copies of all the required forms.

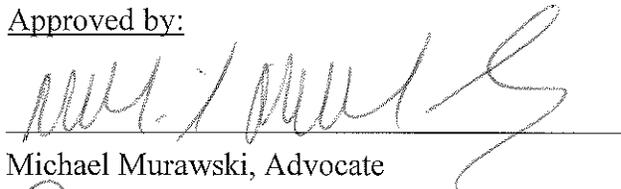
Advocate Michael Murawski advised that since Garcia came into compliance by filing the required forms, the filing of an ethics complaint was not warranted. Accordingly, it is recommended that no further action would be taken. Case Closed.

(Signature)

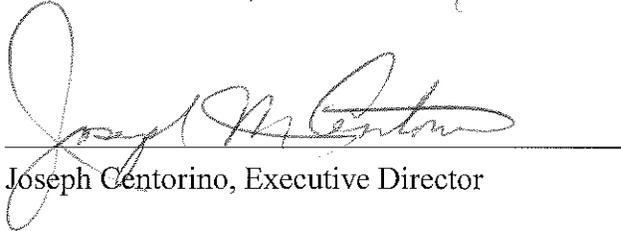


Breno Penichet, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director

6/23/15
 Date Closed