



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigators: Breno Penichet

Case Number: K15-053(A)	Case Name: Outside Employment	Date Open: 8/27/15	CASE CLOSED
Complainant(s): Miami Dade Fire Rescue Administration	Subject(s): Miguel A. Rodriguez	Date: <u>11/16/2016</u>	

Allegation(s):

The COE received information alleging Miami Dade County Fire Rescue (MDFR) Lieutenant Miguel A. Rodriguez (Rodriguez) was possibly engaged in outside employment in his wife's company, "Caring Hands Assisted Living Inc." According to MDFR Management, his position in the corporation as the Executive Secretary would require Rodriguez to file financial disclosure and obtain outside employment authorization, which was not done.

An investigation was initiated to determine if Rodriguez' involvement in his wife's company constituted outside employment thereby requiring financial disclosure.

Relevant Ordinances:

Miami Dade County Code of Ordinances

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

Investigation:

Interviews

COE Investigator Penichet reviewed the original information provided by MDFR staff. According to the Disciplinary Action Report (DAR) that was provided, Rodriguez had authorization for outside employment (OEA) during the years 2011 & 2012. There is no other record that he applied for OEA for years 2013 to 2015.

A further review revealed that, as of 2013, he became the Executive Secretary in his wife's company, *dba* Caring Hands Assisted Living Inc., according to State of Florida Corporations.

Flora Seff

Legal Advisor

Miami Dade Fire Rescue.

Seff was contacted regarding this matter and advised of the nature of the investigation. Seff advised MDFR staff was aware that Rodriguez was part of his wife's corporation and was required to obtain outside employment authorization. Seff further advised that Rodriguez had outside employment authorization in the years 2011 and 2012 but then stopped requesting it.

According to the paperwork submitted by the MDFR staff, in March 2015, Rodriguez certified he was not involved in any type of outside employment and that he received no compensation. Seff advised that at that time, the information came to light that Rodriguez was in fact part of his wife's corporation. As a result he was given disciplinary action, and the case was referred to the COE.

Miguel A. Rodriguez

Lieutenant,

Miami Dade Fire Rescue.

Rodriguez was contacted regarding this matter, and advised of the nature of the investigation. Rodriguez advised that his outside employment request had been granted previously because it did not conflict with his duties. Rodriguez advised that his position as an Executive Secretary with his wife's corporation is only in case there is an emergency and he has to take over the day- to- day operations of the facility. Rodriguez further stated he joined the corporation on the advice of his attorney. Rodriguez advised he does not receive any compensation from the corporation directly for any work because he does not work for them. Rodriguez advised he would request an opinion from the COE in order to be within the law.

Barbara Rodriguez

CEO

Caring Hands Assisted Living

Rodriguez was contacted regarding this matter, and advised of the nature of the investigation. Rodriguez advised that she is the CEO of Caring Hands Assisted Living Inc., an elderly care facility. Rodriguez further advised that her husband Miguel Rodriguez is not compensated for his role in the business, he is only part of the corporation in case of an emergency.

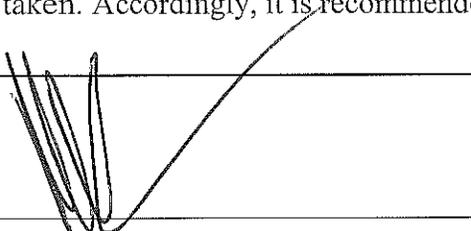
Documents Reviewed:

1. Disciplinary Action Report packet, dated 8/6/2015 for Miguel Rodriguez, regarding Outside employment authorization.
2. Memo dated 6/2014 from Miriam Soler Ramos, Deputy General Counsel / Re: Outside employment guidelines.
3. Memo dated 7/9/2015 showing bullet points concerning Rodriguez's Outside employment request history.

Conclusion:

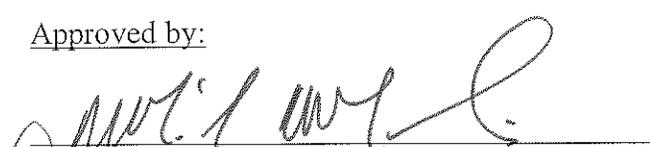
It appears that Lt. Miguel Rodriguez's role in the corporation is to step in if an emergency situation arises. There is no indication that he is receiving compensation from the corporation or currently performing any services that would constitute outside employment. Rodriguez was instructed to request an opinion from the COE concerning his association with his wife's company.

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.

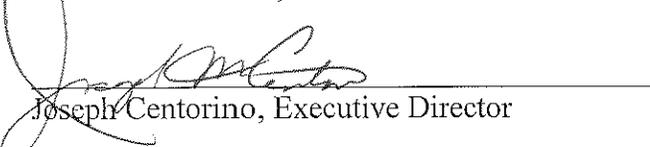


Breno Penichet, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director

11/16/16
Date Closed