

**APPROVED**



Chairman: \_\_\_\_\_

December 16, 2016

**MIAMI-DADE  
COMMISSION ON ETHICS & PUBLIC TRUST**

**LETTER OF INSTRUCTION**

To: Guillermo Olmedillo

From: Miami-Dade County Commission on Ethics and Public Trust

Re: In re Guillermo Olmedillo (C16-24)

Date: December 2016

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Complainant, Victor May (May), filed an ethics complaint against Guillermo Olmedillo (Olmedillo), Manager of the Town of Surfside. May alleged that Olmedillo engaged in outside employment, engaged in conflicting employment, and failed to disclose financial interests in his private corporations. Specifically, May alleged that Olmedillo was associated with several companies including Primerica Advisors, Guillermo Olmedillo Inc. and Olmedillo X5, Inc. (Olmedillo X5)

Investigation determined that Olmedillo's son, also named Guillermo Olmedillo, had been a financial advisor for Primerica Advisors and that Guillermo Olmedillo Inc. was also the son's corporation and was inactive. Olmedillo is however, the principal of an active Florida corporation, Olmedillo X5 and his wife is vice-president of the company.

Investigation further determined that when Olmedillo signed his employment contract with the Town of Surfside, he made them aware that he had Olmedillo X5 as an active corporation. He was permitted to keep that company active in order to continue to serve the few existing clients that he had until their business arrangements were finalized. He explained that he has not taken on any new clients since he began working for the Town of Surfside but some of his previous clients are involved in litigation that could last for several years. His employment agreement was publicly vetted, advertised and approved by the Commission of the Town of Surfside.

With regards to the allegation of failure to file financial disclosure, Olmedillo did file Statements of Financial Interest<sup>1</sup> in 2014 and 2015 as required by virtue of his position as Town Manager and he did disclose his interest in Olmedillo X5. However, he admitted he was unaware that he had to file a separate Outside Employment Statement disclosing his income from the outside employment but immediately complied with that requirement upon being advised to do so.

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<sup>1</sup>Form 1, Statements of Financial Interest, 2014 & 2015

On November 9, 2016, the Ethics Commission heard case number C16-24 in closed session and determined that there was Probable Cause to believe that Olmedillo had violated § 2-11.1 (k)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics (the Ethics Code) ordinance entitled, "Prohibition on outside employment." However, the Ethics Commission determined that although Olmedillo failed to file the appropriate outside employment disclosure, it appeared that the violation was inadvertent, unintentional and insubstantial and Olmedillo has subsequently come into compliance by filing the required form. Thus, they dismissed the complaint against Olmedillo and ordered that he be issued a Letter of Instruction.

WHEREFORE the Miami-Dade County Commission on Ethics and Public Trust issues this Letter of Instruction to Guillermo Olmedillo.

The Miami-Dade County Conflict of Interest and Code of Ethics Section 2-11.1 (k) *Prohibition on outside employment* states, in pertinent part:

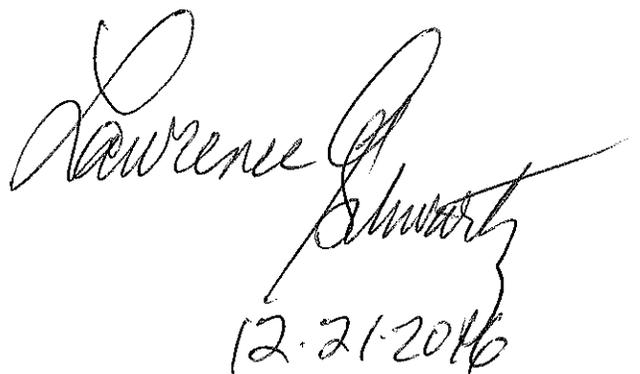
(1) No person included in the terms defined in subsections (b)(5) [departmental personnel] and (6) [employees] shall receive any compensation for his or her services as an officer or employee of the County, from any source other than the County, except as may be permitted by Section 2-11 of this Code of Ordinances.

(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...

Mr. Olmedillo cooperated fully with the COE investigators. He readily admitted that his company, Olmedillo X5, was an active corporation. Mr. Olmedillo expressed his lack of awareness of the separate requirement of disclosing the source and amount of his outside income from Olmedillo X5. He believed that disclosing his interest in Olmedillo X5 in his annual Financial Disclosure statement was sufficient.

After meeting with a COE investigator and being advised that he had to comply with §2-11.1 (k) (2) of the Ethics Code, Mr. Olmedillo immediately did so. As the Manager of the Town of Surfside, Mr. Olmedillo is in a leadership position and should be aware of what the outside employment disclosure requirements are pursuant to the Code.

We are hopeful that Mr. Olmedillo has learned from this experience and will use this Letter of Instruction to guide his future conduct, remain compliant with the Ethics Code and set an example for the employees of the Town of Surfside.

  
12.21.2016