From:	Diaz-Greco, Gilma M. (COE)
Sent:	Tuesday, January 09, 2018 9:18 AM
To:	Sanchez, Rodzandra (COE)
Subject:	Officer Carlos M. Diaz, MDPD (Outside Employment) INQ 18-04,
Attachments:	DOC122017.pdf

INQ 18-04 Diaz

From: Turay, Radia (COE)
Sent: Monday, January 08, 2018 4:17 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Rodzandra (COE)
<Rodzandra.Sanchez@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: FW: INQ 18-04, Officer Carlos M. Diaz, MDPD Outside Employment

From: Turay, Radia (COE)
Sent: Monday, January 08, 2018 4:16 PM
To: Redmon-Jones, Kimberly B. <kredmon-jones@mdpd.com>; Ramos, Mirtha V. <mvramos@mdpd.com>; Diaz de La
Portilla, Maria R. (DTPW) <Maria.DiazdeLaPortilla@miamidade.gov>; Diaz, Carlos M. <CMDiaz@mdpd.com>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: INQ 18-04, Officer Carlos M. Diaz, MDPD Outside Employment

Dear Officer Diaz,

You have inquired regarding whether your proposed outside employment as a Network Administrator for Indian
Creek Village violates the dual officeholding provision of the Florida Constitution.

Background

- You are a Police Officer from the Miami-Dade Police Department Intracoastal District.
- You have been so employed for about six months
- You are seeking to engage in outside employment as a computer Network Administrator for Indian Creek
  Village.
- In your role as the Network Administrator for Indian Creek Village, you will maintain the Village's computers,
  computer servers, and network.
- You anticipate that the workload will be minimal, about 1-2 hours per week. You have indicated that you will
  not perform your outside employment while on-duty at MDPD.

Legal Analysis

The Miami-Dade County Ethics Code at Sec. 2-11.1 does not address dual officeholding, so we are unable to
respond directly to your question.

The general prohibition regarding dual officeholding is found in Article II, section 5(a) of the Florida Constitution,
and is interpreted by the Florida Attorney General. A discussion of what constitutes dual office holding can be
found at the Attorney General's website at:
http://myfloridalegal.com/pages.nsf/Main/92e25864d475966f85256cc6007b96cb

Please note however that the County Ethics Code in sections 2-11.1(j) and (k) of the County Ethics Code prohibits County employees from engaging in outside employment which would impair the County employee's independence of judgment in the performance of his or her official duties. 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 duties as Police Officer with MDPD.

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. In addition, Section 2-11.1(k)(2) of the County's Ethics Code requires filing a financial disclosure form on a yearly basis. 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
Fax: (305) 579-0273
Ethics.miamidade.gov

From: Diaz, Carlos M. [mailto:CMDiaz@mdpd.com]
Sent: Thursday, December 21, 2017 1:48 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: FW: MDPD Officer - Outside Employment

Good Afternoon Ms. Diaz-Greco,

The email below I have tried sending it to 'ethics@miamidade.gov' but the email doesn't go through as per the error message on the very bottom of this email. I contacted the hotline and your information was given to me as a point of contact. I'm hoping that you can assist me with the question on the email below.

Thank for your assistance, and happy holidays.

Carlos Diaz
Officer Miami-Dade Police
Intracoastal District

From: Diaz, Carlos M.
Sent: Thursday, December 21, 2017 10:09 AM
To: 'ethics@miamidade.gov' <ethics@miamidade.gov>
Subject: MDPD Officer - Outside Employment

To whom it may concern,

Hello, I'm Carlos Diaz from the Miami-Dade Police Department Intracoastal District. I have been with the department for about six months, and I was told to complete the attached outside employment request. The following question came to light during the process of my application. I'm hoping that an explanation can be obtained from your office.

"We reviewed the attached Outside Employment Request (OER) of Officer Carlos M. Diaz. Upon further contemplation, we opine that the employee needs to obtain an ethics opinion from the MDC Commission on Ethics and Public Trust that states that his OER does not violate the dual office holding provision of the Florida Constitution. "

My outside employment constitutes working for a municipality within Miami-Dade County (Indian Creek Village). I'm the computer Network Administrator (Civilian I.T. Person for the village that maintains their servers, computers, and network). I have been performing these duties since 2003 as a contractor. The workload is minimal (1 to 2 hours a week). I do all the work during my time off. Also, Indian Creek Village has a precise arrangement with me in which they know that I can only be available to assist during my time off.

Thank you for your assistance.

Very Respectfully,

Carlos Diaz
Officer Miami-Dade Police

From: Microsoft Outlook
Sent: Thursday, December 21, 2017 11:25 AM
To: Diaz, Carlos M.
Subject: Undeliverable: MDPD Officer - Outside Employment

Delivery has failed to these recipients or groups:

ethics@miamidade.gov (ethics@miamidade.gov)
The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:
Generating server: S0320MB01.mdpd.net

ethics@miamidade.gov
Remote Server returned '550 5.1.1 RESOLVER.ADR.RecipNotFound; not found'
Original message headers:
Received: from S0320MB01.mdpd.net (10.5.18.19) by S0320MB01.mdpd.net
 (10.5.18.19) with Microsoft SMTP Server (TLS) id 15.0.1104.5; Thu, 21 Dec
 2017 11:25:14 -0500
Received: from S0320MB01.mdpd.net ([fe80::936:1c90:d7da:1747]) by
 S0320MB01.mdpd.net ([fe80::936:1c90:d7da:1747%22]) with mapi id
 15.00.1104.000; Thu, 21 Dec 2017 11:25:14 -0500
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: "Diaz, Carlos M." <CMDiaz@mdpd.com>
To: "ethics@miamidade.gov" <ethics@miamidade.gov>
Subject: MDPD Officer - Outside Employment
Thread-Topic: MDPD Officer - Outside Employment
Thread-Index: AdN6aPV35UQZz2eRRGe588RKxH/C8QADydiw
Date: Thu, 21 Dec 2017 11:25:14 -0500
Message-ID: <6cdb00d428624b78aebef2f33f1e44b1@S0320MB01.mdpd.net>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator: <6cdb00d428624b78aebef2f33f1e44b1@S0320MB01.mdpd.net>
MIME-Version: 1.0
X-MS-Exchange-Transport-FromEntityHeader: Hosted
X-Originating-IP: [10.5.17.67]
Return-Path: CMDiaz@mdpd.com