



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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October 7, 2019

Yvette Castillo

Here and Now Air Conditioning @ hereandnowcontractors@gmail.com

Re: INQ 19-97, Section 2-11.1(k), County Ethics Code, Outside employment

Dear Ms. Castillo,

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the applicability of the County Ethics Code outside employment guidelines to your mother who is a County employee.

You have indicated that your mother has been recently listed as the President of your corporation, Here and Now Air Conditioning, on a temporary basis. However, your mother performs no services for the company and receives no payment or other forms of income presently or in the future.

Section 2-11.1(k) of the County Ethics Code, *Prohibition on outside employment*, prohibits County employees from receiving any compensation from any source other than the County, unless approved by the employee's departmental director and, upon approval, provided the employee files his or her outside employment statement with the County's Supervisor of Elections. *See* Section 2-11.1(k)(2) and A.O. 7-1

A person who is listed as a president (or officer) of a corporation but performs no services for the corporation and does not have any financial interest in the corporation, i.e., receives no income, payment, shares, etc., is not engaged in outside employment and, hence, is not required to obtain permission to engage in outside employment. *See* INQ 05-37; *See also*, Outside Employment Guidelines (2017).

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.

