

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Wednesday, April 22, 2009 11:50 AM
To: Ferrer, Wifredo (CAO); Thompson, Robert A. (COE); Meyers, Robert (COE)
Subject: RE: Financial Disclosures for Calendar Year 2008

Willy,

Robert Meyers asked me to respond to your question about a county employee's equity interests in s corporations.

The individual is not engaged in outside employment as long as he is not providing "personal services" to the corporations that would customarily be compensated. Based on your description, we are assuming that he is not providing legal services or any other services to the corporations.

Please feel free to contact us if we can be of further assistance.

Regards,

Victoria Frigo, Staff Attorney
Miami-Dade Co. Commission on Ethics
Direct Phone: 305.350.0601
Fax: 305.579.0273

19 West Flagler St., Suite 820
Miami, FL 33130

"Delivering Excellence Every Day." Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

-----Original Message-----

From: Ferrer, Wifredo (CAO)
Sent: Wednesday, April 22, 2009 9:48 AM
To: Thompson, Robert A. (COE); Meyers, Robert (COE); Frigo, Victoria (COE)
Cc: Ferrer, Wifredo (CAO)
Subject: FW: Financial Disclosures for Calendar Year 2008

Good morning,

Below is a question I received from one of the attorneys in the office - it relates to whether his ownership of non-controlling shares in a company engaging in renting warehouses constitutes outside employment. Would you please give me some guidance on this?

Thanks, Willy

Wifredo A. Ferrer
Assistant County Attorney
Miami-Dade County Attorney's Office

4/22/2009

111 N.W. 1st Street, Suite 2810
Miami, FL 33128
Tel. (305) 375-3530
Fax. (305) 375-5634
E-mail: waf@miamidade.gov

From: Rosenthal, Oren (CAO)
To: Ferrer, Wifredo (CAO)
Sent: Wed Apr 15 11:55:51 2009
Subject: Re: Financial Disclosures for Calendar Year 2008

Willie,

I own shares in two different privately held s corporations which engage in the business of renting warehouses at two locations. The ownership is equity only with no control. Do I need to fill out an outside employment form?

Sent from my iPhone

On Apr 15, 2009, at 11:50 AM, "Ferrer, Wifredo (CAO)" <<mailto:WAF@miamidade.gov>> WAF@miamidade.gov> wrote:

Section 2-11.1 of the Miami-Dade County Code requires each Assistant County Attorney who has served at any time during 2008 or 2009 to file financial disclosure by noon on Wednesday, July1, 2009. You are strongly encouraged, however, to file in advance of that deadline for the reasons stated below. Completed disclosure forms must be filed with the Miami-Dade County Supervisor of Elections.

The Forms

In an effort to reduce costs associated with mailing a set of disclosure forms to each Assistant County Attorney's home, the County Manager is encouraging us to print the necessary forms from either the Elections Department's website at <<http://www.miamidade.gov/elections>> www.miamidade.gov/elections or Florida's Commission on Ethics website at <<http://www.ethics.state.fl.us>> www.ethics.state.fl.us <<http://www.ethics.state.fl.us/>> <<http://www.ethics.state.fl.us/>> by clicking on "Financial Disclosures." Maureen Maharaj (28th floor) will also have blank copies of forms that are available in hard copy. If the Elections Department does not receive the required form by the end of May, it will mail the set of forms to your home address. Again, the Manager asks that we assist his efforts in reducing costs by submitting your form as soon as possible.

Those Assistant County Attorneys who started in the office after mid-2008 or in 2009 may not receive disclosure forms in the mail. Please go to the sites listed above or to Maureen to obtain the appropriate forms. As with all persons filing in the 2009 disclosure cycle, if you started in our office in 2009, you are to reflect your financial situation on December 31, 2008.

You need file only one of the financial disclosure forms available. Additionally, if you choose, you may file a copy of your current federal income tax return. Many of us have found that State Form 1 is ultimately the most convenient form, notwithstanding a rather intimidating array of instructions. However, you may choose any option that best suits your situation. Especially if this year will be the first time you file, please feel free to speak to Willy Ferrer or Joni Armstrong-Coffey to help you determine what forms will best meet your needs.

Where to File

For the convenience of the downtown County employees, the Elections Department has a satellite office ("The Voter Information Center") in the Lobby of our building, next to the Public Health Trust's Downtown Clinic and across from the County's Fitness Center. That Office will accept your form Monday through Friday, from 8:00 a.m. to 5:00 p.m. Their phone number is (305) 375-3195. We suggest that when you file the original, have them date stamp a copy for your records.

When you have filed with the Supervisor of Elections, please inform Ulla Peralta (front office) so that she can cross your name off the office list. If Ulla is not available, you may also inform Jenelle Snyder or Clara Pimentel. You do not need to provide a copy of any form.

Outside Employment

Any employee of the County Attorney's Office who engages in employment outside the County must file an annual report of outside employment by 12:00 noon on July 1, 2009. Outside employment disclosure forms are also available for downloading from the Miami-Dade County Elections website above. Please remember that the written approval of the County Attorney is required on an annual basis for any outside employment. Section 2-11, Code of Miami-Dade County.

Rental properties may now constitute outside employment. On October 2, 2006, the County's Ethics Commission concluded

that an employee who owns multiple rental properties - more than two - is engaged in a business enterprise and is bound by the outside employment provisions of the code. Therefore, CAO employees who own multiple rental properties or are contemplating this type of venture must receive approval from the County Attorney and must report as stated above.

Gifts

Finally, you are required to file quarterly disclosure of certain gifts on State Form 9, "Quarterly Gift Disclosure (Gifts over \$100)." Those disclosures must be made on or before the last day of any calendar quarter following a calendar quarter in which you received a disclosable gift worth over \$100.00. Those forms must be filed with Florida's Commission on Ethics, at the address shown in the form, and a copy with the Clerk of the Board of County Commissioners (Stephen P. Clark Center, 111 N.W. 1st Street, Suite 17-202, Miami, FL 33128). You are also required to file State Form 10, "Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses," if you have received a gift or compensation reportable on that form. Form 10 must be filed by the same deadline as that for financial disclosures.

Again, if you have any questions, please see Joni or Willy.

Thanks.

Wifredo A. Ferrer

Assistant County Attorney

Miami-Dade County Attorney's Office

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