

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Tuesday, December 11, 2012 3:39 PM
To: Craven, Lonny (Aviation)
Cc: Madry, Wallace (Aviation); Jones-Wilfork, Bobbie (Aviation); Campos, Evelyn (Aviation); Centorino, Joseph (COE)
Subject: Outside Employment (INQ 12-221)

Mr. Craven,

The three Miami International Airport (MIA) County employees you have discussed below, with enforcement duties at MIA, have conflicts of interest when they work part-time for private entities subject to their County enforcement actions.

You stated that the duties of **Dorrell Price**, **Kimberly Stanley**, and **Ingrid Hunter** at MIA include assessing aviation fees to be charged to airline and cargo companies, monitoring airline and cargo companies for compliance with County and federal regulations, and issuing citations when violations are found. If granted permission to engage in outside employment as you described, these County employees would be put in the position of assessing, monitoring, and issuing citations to, among others, their private employers. (This also applies to Mr. Price when Spirit Airlines flights are divert to MIA.)

In sum, employees with outside employment that would conflict with their duties to the County or would impair their independence of judgment in the performance of their public duties violate the Miami-Dade County Ethics Code at Sec. 2-11.1 (j).

Furthermore, Administrative Order 7-1 states, "Under no circumstances shall a County employee accept outside employment or render other than official services to a private interest where County time, equipment or material is to be used, or where *a real or apparent conflict of interest with one's official or public duties is possible.*" (Emphasis added.)

County employees are also subject to the State ethics law, which states, "[N]or shall an ... employee of an agency have or hold any employment or contractual relationship that will create a *continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties* or that would impede the full and faithful discharge of his or her public duties. (Fla. Stat. 112.313(7)(a) (2012) (emphasis added).)

State law is intended to *prevent* situations in which private economic considerations may override the faithful discharge of public responsibilities.

If you have additional questions, please feel free to contact me.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY

Phone: 305 350-0601

Fax: 305 579-0273



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

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From: Craven, Lonny (Aviation) [<mailto:LCRAVEN@miami-airport.com>]
Sent: Tuesday, December 04, 2012 5:14 PM
To: Ethics (COE)
Cc: Madry, Wallace (Aviation); Jones-Wilfork, Bobbie (Aviation); Campos, Evelyn (Aviation)
Subject: Request for Opinion: Regarding Outside Employment

TO: Ethics COE

RE: Outside Employment for:

Dorrell Price, Airport Senior Agent, works for Spirit at Ft Lauderdale Airport
Kimberly Stanley, Airport Agent, works for FedEx in Miami International Airport
Ingrid Hunter, Airport Specialist, works for World Wide Cargo in Miami International Airport

Background:

Airside Operations controls the airfield at Miami International Airport (MIA). Some of our functions is assignment of passenger and cargo aircraft to parking and cargo spots, charging Aviation fees and the issuance of Civil Violations with monetary fines and Safety Violations that the company managers need to rectify.

Employees with outside employment:

The three listed employees are tasked with Enforcement of Miami Dade County Aviation Department (MDAD) Chapter 25 violations and also to ensure compliance of both TSA and FAA rules and regulations. In their regular duties, these employees issue either Civil violations with fines of \$160, \$260 and \$510, along with Safety Violations and issuance of a Report of Non-Compliance that must be answered and corrected by the company's management.

Airline Interline Agreements:

Airlines also have what is referred to as an Interline Agreement, whereby airline employees receive flight benefits from the airline that employs them, but also with other airlines that have an Interline agreement with their airline as well. In addition, many airline Interline Agreements also extend travel benefits to hotels, rental cars, dining and other forms of travel. Under the Interline Agreement, many airlines also allow other airline employees to travel on their aircraft on Stand-by status of for a small fee, like the tax on what the airfare would be. Therefore, an airline employee from the Ft Lauderdale Airport, can fly on an airline out of MIA and vice versa.

Dorrell Price:

Is an Airport Operations Senior Agent that is a Shift Supervisor for the Aircraft Gate and Apron Control section of Airside Operations. Therefore, this employee supervises the employees that assign all aircraft at MIA a place to park and also charge the Aviation Fees for the airport. He also is tasked performing these functions.

For the last few years, Dorrell Price has been employed by Spirit Airlines that operates at Ft. Lauderdale Airport. It was not considered a conflict by Airside Supervisory staff, as the airline did not operate in MIA. On occasion, Spirit has had flights divert to MIA that need to be charged MDAD Aviation Fees by this and other Airside employee.

Until recently, this was not considered a conflict as this employee worked at airline from another airport. At the time of approval, it was not know about Airline Reciprocating Interline Agreements and that benefits could be made available at MIA.

Kimberly Stanley:

Is currently an Airport Operations Agent that reports to a shift supervisor and patrols the airfield as well as works in the Aircraft Apron and Gate Control Towers on rotating shifts. This employee works for FedEx at MIA. At the time of the original approval several years ago, it was thought that she worked as a truck driver or delivered packages to homes and businesses. Recently, we were advised that this employee actually works at the FedEx Cargo facility at MIA. While

employed for MDAD, this employee is responsible for charging MDAD Aviation User Fees and the issuance of violations, reports of Non-Compliance, etc. As a FedEx employee, she can also benefit from any Interline Agreements that FedEx has with other carriers, which include flight benefits.

Ingrid Hunter:

This employee is currently employed as an Airport Specialist that provides escorts for concessions and construction deliveries and Enforcement of Chapter 25 rules and regulations by the issuances of violations. Around 3 months ago, she submitted to her Supervisor a Request for Outside Employment working for World Wide Cargo Services at MIA. Her Supervisor brought up some issues on the conflict of issuing violations to her outside employer that performs work at MIA. Her supervisor and I met and discussed it and then had another discussion with Ms. Hunter. We were undecided as therefore requested assistance from HR and our Internal Ethics Officer. While we were still seeking advice from HR and MDAD Ethics, we understand that Ms. Hunter may have already started her outside employment.

In summary, these three MDAD Employees are working for airlines or cargo companies that either have operations at MIA or with an airline that diverts to MIA on occasion and that all three are tasked with the monitoring and enforcing compliance of their operations while at MIA. For these reasons, we are Requesting your Opinion on these issues.

Thank you in advance for the handling of this matter and should you need any additional information, please do not hesitate to contact me.

Lonny Craven
Director of Airside Operations,
Miami International Airport (MIA),
General Aviation Airports (OPF, TMB, X51, TNT),
Noise Abatement-Wildlife and Aviation Enforcement
Miami-Dade Aviation Department
Miami International Airport
Airside Operations, "E" Satellite
P.O. Box 025504
Miami, Florida 33102
Phone (305) 876-7038
FAX (305) 876-7535

lcraven@miami-airport.com

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