

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, December 13, 2012 4:35 PM
To: 'tyjonesgenesis@live.com'
Cc: Centorino, Joseph (COE)
Subject: County Employee & Business Owner (INQ 12-224)

Mr. Jones,

This is in response to your questions about doing business with the County if you become employed by the County. Although we are limited to issuing ethics opinions to individuals within our jurisdiction based on their current facts, I can provide you with some general guidelines about sections of the County Ethics Code that might apply to you if you become employed by the County.

Question 1:

Sec. 2-11 (c) requires County employees to obtain written permission annually from their Department Directors to engage in outside employment.

If permission for outside employment is granted, Sec. 2-11.1 (c)(2) of the County Code allows County employees to enter into contracts with the County, as long as the employee does not work for the County Department that administers the contract. Consequently, County employees seeking CDBG funding must not work for the Public Housing and Community Development Department, the department that administers the CDBG program.

Sec. 2-11.1 (m)(1) of the County Code prohibits County employees from lobbying the County to obtain a benefit for themselves or others. This means that a County employee seeking CDBG funding may not lobby anyone in the County in an effort to obtain the funding.

Question 2:

As stated above, Sec. 2-11.1 (c)(2) of the County Code allows County employees to do business with the County, but not with the County Department that employs them.

Volunteer activities on County-owned or County-managed facilities are generally not prohibited, but you would not be allowed to benefit your private company by conducting presentations at County-owned facilities. Such activity could give the appearance of exploiting your official position with the County to benefit yourself or your private company or lobbying on behalf your private company. *See* Secs. 2-11.1 (g) and (m)(1)

You would likely violate the County Ethics Code at Sec. 2-11.1 (j) if you engaged in outside employment that was similar to the work you do for the County. In other words, if your job description required you to educate senior citizens on health issues, you would not be allowed to do the same activities in your private capacity.

Question 3:

Regardless of the existence of a private business owned by you prior to your employment with the County, you are nevertheless required to obtain permission from your Department Director annually to continue operating that private business.

Also note that if you are permitted to engage in outside employment, you will be required to file a form disclosing your income from outside employment every year with the Department of Elections. This disclosure form is a public record that is open to the public for inspection.

As you can see, the outside activities of public employees are highly regulated compared to those of private employees. The rationale for this can be found in the County's Administrative Order 7-1,

"Employees of the County are stewards of an important public trust, one that is central to the very foundations of our concept of government. To uphold that trust, it is of the highest importance that County affairs and business be conducted free of the influence of employees' personal and private financial interests, both in appearance and in fact. It is essential, therefore, that public employees avoid any and all situations that represent, or appear to represent, conflicts between their personal interests and their public duties. Furthermore, it is incumbent upon them to refrain from taking any official action themselves with reference to such situations, and to make known to their superiors any actual, potential, or apparent conflicts of interest."

If you decide to accept employment with Miami-Dade County, please feel free to contact our office again for further clarification of these ordinances apply in your particular circumstances.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY

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From: Ty Jones [<mailto:tyjonesgenesis@live.com>]
Sent: Thursday, December 13, 2012 12:10 PM
To: Centorino, Joseph (COE)
Subject: Policy on Conflict of Interest (MDCounty Employee & Business Owner)

Mr. Centori,

I am currently an entrepreneur here in Miami. I will be launching a non-medical home health business in Q1 2013. Until my business can generate a steady income, I may have to work a full-time job in order to sustain my basic necessities of living. Subsequently, I have been considering seeking employment opportunities with entities such as Miami Dade County. However, before I make a decision on potentially applying for any opportunities I want to make sure that I don't establish any conflict of interest related circumstances.

Question 1:

If I were to obtain employment with Miami Dade County, will I be eligible (as a Miami Dade County employee) to apply for CDBG funding (as a business owner/President of my own healthcare business) in 2013?

Question 2:

If I were to obtain employment with Miami Dade County, will I be eligible (as a MD County employee) to conduct business related and/or volunteer related activities on county owned/managed facilities?

For example, I am scheduled to (as a business owner) conduct presentations on health related topics to senior citizens at county owned senior centers with the goal being to educate them on senior related challenges. Although I will be conducting these sessions throughout the year on a voluntary basis, would this be classified as a conflict of interest if my potential job with the county does not consists of me performing that voluntary function as a part of my county job description?

Second, I currently volunteer at the Miami Dade County stockade through my church's prisons ministry. If I were to obtain a Miami Dade County position, would there be a conflict of interest to me to maintain my volunteer efforts?

Question 3:

Overall, independent of the questions listed above, what exactly is the policy regarding Miami Dade County employees that have pre-existing businesses prior to obtaining county employment? (In other words, what is permissible and what is not permissible regarding partnering (doing business with) and volunteering with the county?)

In closing, I just want to make sure that I don't do anything that would be considered unethical or a conflict of interest regarding maintaining my role as an entrepreneur and that of a potential Miami Dade County employee.

Please advise.

Thanks
Ty Jones