

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Friday, June 01, 2012 12:51 PM  
**To:** Montero, Anselmo (MDPR)  
**Cc:** Centorino, Joseph (COE); rmeyers@wsh-law.com  
**Subject:** Your request for information about outside employment (INQ 12-94)

Mr. Montero,

You asked for information regarding outside employment. I'll try to summarize some of the key points below, but please feel free to contact our office again, or have your supervisor contact us, if you have additional questions.

1. Get approval from your supervisor to engage in outside employment every year.

The County Ethics Code requires that any outside employment by any full-time County employee must first be *approved in writing by the employee's Department Director*" by completing the "Request for Outside Employment" form. The request to engage in outside employment must be resubmitted and approved every year.

Permission to engage in outside employment is at the *sole discretion* of one's supervisor. The supervisor may ask the Ethics Commission for an opinion about potential conflicts regarding outside employment, but obtaining an ethics opinion is not required.

2. Once approved, employees must file an "Outside Employment Statement" with the Supervisor of Elections every year that the employee is engaged in outside employment.

3. Both forms are available on the Ethics Commission website at [www.miamidadeethics.com](http://www.miamidadeethics.com) by clicking on "Frequently Used Forms."

4. A working definition of outside employment is "any *non-County employment or business relationship* in which the County employee provides a *personal service* to the non-County employer that is compensated or *customarily eligible to be compensated.*"

5. Typical outside employment activities include, but are not limited to, the following:

- providing personal service to one's own business, regardless of whether the business is officially incorporated, or if incorporated, regardless of the jurisdiction in which it is incorporated, or regardless of whether the business is currently generating income;
- providing personal service to a business owned by an immediate family member (*e.g.*, secretarial, bookkeeping, sales, or consulting services), regardless of whether one is compensated;
- managing three or more single-family rental units;
- conducting regular sales of goods and/or services on the internet;
- serving as an off-duty police officer, regardless of whether the off-duty service is coordinated by one's local governmental entity.

As I mentioned, we recently had a case before the Ethics Commission involving a County bus maintenance technician who did not obtain permission to engage in outside employment. He was suspended without pay for 10 days.

Please feel free to contact me if I can be of further assistance.

Sincerely,

**VICTORIA FRIGO, STAFF ATTORNEY**

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**From:** Montero, Anselmo (MDPR)  
**Sent:** Tuesday, May 29, 2012 1:53 PM  
**To:** Ethics (COE)  
**Cc:** Gutierrez, John (MDPR)  
**Subject:** Request for Opinion

Good Morning: I am a licensed Roof Contractor since 2007 and have worked for Miami-Dade County since 1977.

We do mostly small repairs in residential and commercial properties and supervise or participate in the repairs occasionally on Saturday and Sundays; as a roofer have never performed any work for compensation with the County.

My company name is Affordable Roofing Miami Corp. and my ccc# 1328287.

I respectfully request your opinion if there would be any conflict of interest if I submit my request the Department for outside employment.

Thank you in advance for your assistance in this matter.

**Anselmo S. Montero**, Administrative Officer 2  
**Capital Programs Division**  
**Miami-Dade County**  
**Parks, Recreation and Open Spaces Department**  
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