

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Monday, June 10, 2013 4:57 PM
To: Cominsky, Alan (MDFR)
Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: Outside employment (INQ 13-132)

Chief Cominsky,

You asked about potential ethics conflicts for two County fire investigators who have requested outside employment as private investigators; all private employment would be conducted in counties other than Miami-Dade County.

We find potential conflicts of interest for the fire investigators because they would be conducting work for private employers that is similar to the work they do for the County. Consequently, we suggest you deny outside employment in the current cases and review previous approvals in which outside employment is similar to the employee's County work.

The County Ethics Code at Sec. 2-11.1 (j) prohibits County employees from accepting outside employment that would impair their independence of judgment in the performance of their public duties.

In their County jobs, fire investigators are responsible for determining the cause and origin of fires that occur in Miami-Dade County. In the proposed outside employment, these individuals may also be determining the cause and origin of fires in other counties for private insurance companies and attorneys. The same insurance companies and attorneys who employ these fire investigators are very likely to have matters before Miami-Dade County. Divided loyalties could arise if the fire investigators, acting in their capacity as County employees, were involved in County matters involving their private employers.

The County's Administrative Order AO 7-1 states, "County business must be conducted free of the influence of employees' personal and private financial interests, both *in appearance* and in fact." The appearance of impropriety standard aims to be preventative in nature—it is not meant to imply that a County employee failed to perform his/her responsibilities appropriately or that the employee is not trustworthy. Rather, by avoiding *even the appearance* of impropriety, we demonstrate to the people of Miami-Dade County that we are committed to transparency, fairness, and integrity in government.

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

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

Direct Phone: 305 350-0601
Main Number: 305 579-2594
Fax: 305 579-0273



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

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From: Cominsky, Alan (MDFR)
Sent: Wednesday, June 05, 2013 8:52 AM
To: Frigo, Victoria (COE)
Subject: RE: Request for an opinion regarding outside employment for two county employee(s)

Ms. Frigo,

The answers to your questions are listed in red. Thank you for your assistance regarding this matter.

Respectfully,

Division Chief Alan R. Cominsky, MPA
Fire Prevention Division
Miami-Dade Fire Rescue Department
(786) 331-4802 (office)
(305) 458-1269 (cell)
alanrc@miamidade.gov
"Delivering Excellence Every Day"

From: Frigo, Victoria (COE)
Sent: Friday, May 31, 2013 11:04 AM
To: Cominsky, Alan (MDFR)
Subject: RE: Request for an opinion regarding outside employment for two county employee(s)

Chief Cominsky,

I have a few questions regarding your request for an ethics opinion about outside employment for two fire inspectors.

First, can you please describe the nature of the proposed outside employment dealing with "fire consulting?" If "fire consulting" includes investigating the cause and origin of fires, would the fire inspectors likely to be using specialized equipment or other resources that are the property of Miami-Dade County?

The "fire consulting" will consist of investigating the origin and cause of a fire and rendering an expert opinion as to the fire's origin and cause.

The fire investigators/inspectors will not be using any equipment or other resources that are the property of Miami Dade County.

Second, do the fire inspectors intend to work for other local governments or agencies or private entities? Could they name the proposed counties, municipalities, agencies, or private entities they may be working for?

Yes –

They may be working for private entities such as insurance companies that may contract them to investigate the origin and cause of a fire loss outside of Miami Dade County. Examples of potential insurance companies that could be looking to hire the fire investigator/inspector are Citizens Insurance, All State Insurance, State Farm Insurance, and any other insurance company that has an interest in a fire loss claim.

They may also be hired by attorneys representing clients that are seeking an expert as to the origin and cause of a fire outside of Miami Dade County.

Third, do the entities they may be working for own all of the necessary equipment and resources necessary for conducting “fire consulting” without the use of rented or “borrowed” equipment?

Yes – all equipment and resources are owned by the private companies and no Miami Dade County equipment will be borrowed or utilized.

Please feel free to respond to this email or contact me at my direct number below.

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

Direct Phone: 305 350-0601
Main Number: 305 579-2594
Fax: 305 579-0273



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Miami, FL 33130

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From: Ethics (COE)
Sent: Tuesday, May 28, 2013 11:35 AM
To: Cominsky, Alan (MDFR)
Cc: Frigo, Victoria (COE)
Subject: RE: Request for an opinion regarding outside employment for two county employee(s)

Chief Cominsky,
Thank you for your request for opinion regarding two employees in your Fire Prevention Division. This matter has been referred to Senior Staff Attorney Victoria Frigo, who should be in touch with you shortly.
Joe Centorino
Executive Director
Miami-Dade Commission on Ethics and Public Trust

From: Cominsky, Alan (MDFR)
Sent: Tuesday, May 28, 2013 9:19 AM
To: Ethics (COE)
Subject: Request for an opinion regarding outside employment for two county employee(s)

I would like to request for an opinion regarding outside employment for two county employee(s). I have two Fire Investigators who have requested outside employment in the area of Private Investigation/Responsibilities to include; workers comp claims, surveillance, background screening, **Fire consulting**, and missing person searches. All work regarding this outside employment would be performed outside of Miami-Dade County. Since both of these employee(s) currently work in MDFR Fire Prevention Division as Fire Investigators I wanted to confirm that Fire Consulting in other counties for the private sector would not be a conflict.

- The primary function for a Fire Investigator is mainly to determine the cause and origin of fires that occur in Miami-Dade County

Respectfully,

Division Chief Alan R. Cominsky, MPA
Fire Prevention Division
Miami-Dade Fire Rescue Department
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