
From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, September 12, 2014 11:59 AM
To: Sanchez, Rodzandra (COE)
Subject: Jonathan Sinkes, City of Miami Beach employee, Ethic opinion (outside employment)
INQ 14-213

INQ 14-213

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, September 12, 2014 11:59 AM
To: 'jpsinkes@gmail.com'
Cc: Centorino, Joseph (COE)
Subject: Jonathan Sinkes, City of Miami Beach employee, Ethic opinion (outside employment) INQ 14- 213

Dear Mr. Sinkes:

It was a pleasure speaking with you. You have inquired if you would be required to obtain permission to engage in outside employment when you own a private business which you supervise, but which currently is not generating income.

As background, you are an employee of the City of Miami Beach. You also have an active private electrical contracting business which you manage (pay bills, fees, taxes and insurance) but which is not currently generating income.

In previous opinions the Ethics Commission has found that outside employment activities include providing a personal service to one's own business (secretarial, bookkeeping, marketing, paying bills, etc.), 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. See INQ 13-34 and INQ 12-131.

The test for whether an activity constitutes outside employment is not ownership or receiving actual compensation but rather if the employee performs a personal service for the business that is customarily compensated. *Id.* Consequently, providing personal services to your privately owned business such as bill paying and performing other activities required to maintain the business active, are services that would customarily be compensated and would be considered outside employment.

Please contact us if you have any further questions.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130

Tel: (305) 579-2594
Fax: (305) 579-0273
gdiazgr@miamidade.gov
www.facebook.com/MiamiDadeEthics

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From: Ethics (COE)
Sent: Friday, August 22, 2014 5:23 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: FW: Request for Opinion

Please respond to this gentleman.

From: J Sinkes [<mailto:jpsinkes@gmail.com>]
Sent: Friday, August 22, 2014 2:12 PM
To: Ethics (COE)
Subject: Request for Opinion

Greetings,

I am in need of an opinion.

I am a local municipal employee of the City of Miami Beach. I am also the electrical qualifier for my own private electrical contracting business. I pay all fees, taxes and insurance for my private business. My business is active but I am not performing any work or receiving any payment for any work either for my business or myself. I have not received any monies for work since January 2013.

Do I need to request permission from my municipal employer to supervise a business or its activities (ie pay bills related to keeping the business active.) when no work is performed or money is exchanged for electrical contracting services? If the answer is no, at what point do I need to request permission from my municipal employer to perform supervisory work related to my private electrical contracting business?

Thank you for your assistance.

Cordially Yours,

Jonathan Sinkes
3300 W Rolling Hills Circle
Apt 110
Davie, FL 33328
786-426-5714