

Diaz-Greco, Gilma M. (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, March 21, 2014 2:39 PM
To: Rey, Julio (MDT)
Cc: Centorino, Joseph (COE)
Subject: Outside Employment Ethics Opinion INQ 14-59

Mr. Rey,

You have inquired regarding possible conflicts of interest in outside employment.

As background, you are employed by the County on a full-time basis as a Graphics Technical Supervisor for the Miami-Dade Transit Department. Your job duties for the Transit Department include graphic design for electronic and printed materials, and preparing case studies on different transit issues using reports generated by the County. The work that you prepare for the Transit Department involves the public purpose of, among others, advertising and communicating transit routes, initiatives, and transit related case studies. This is then distributed to the public in paper publications or through electronic media. As such, it becomes part of the public record and can be readily accessed by all members of the general public.

You have obtained permission for outside employment from your department director to work on a freelance basis performing graphic design and advertising work outside of Miami-Dade County. You would like to include in your portfolio samples of work you have already produced for a public purpose in the ordinary course of your County employment. These samples would include case studies, advertisements, and collateral materials.

In general, a fulltime County employee must not engage in outside employment that would conflict with his duties to the County or impair his independence of judgment in the performance of his public duties. *See* Miami-Dade County Ethics Code, Secs. 2-11.1 (j) and (k).

Based on the facts presented here, we do not find a prohibited conflict under Section (j) and (k). It is unlikely that your outside employment would impair your independence of judgment in the performance of your duties to the County where you are using work you have already prepared for a public purpose in the ordinary course of your employment, and which has become part of the public record and can be readily obtained by anyone in the general public.

We also advise that in order to avoid exploitation of official position prohibited by 2-11.1(g), an employee must not use County time or resources to benefit his private outside employment. Further, an employee may not engage in any activity which would require him to disclose confidential information acquired by reason of his official position, nor use such information directly or indirectly for his personal gain or benefit. *See* 2-11.1(h)

Please do not hesitate to contact me if I may be of further assistance.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust

19 W. Flagler Street, Suite 820

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From: Rey, Julio (MDT)
Sent: Thursday, March 06, 2014 9:34 AM
To: Diaz-Greco, Gilma M. (COE)
Subject: Re: Need an opinion on outside employment

Yes to both questions. I've been doing freelance work all the time that I have been a County Employee and always filed all my required paperwork.

Thanks.

--

Julio A. Rey, Graphics Tech Supervisor
Miami-Dade Transit
701 NW 1st Court, Suite 1500, Miami, Florida 33136-3914
786-469-5376 Phone
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From: <Diaz-Greco>, "Gilma M. (COE)" <GDIAZGR@miamidade.gov>
Date: Thursday, March 6, 2014 9:32 AM
To: Julio Rey <jarey@miamidade.gov>
Subject: FW: Need an opinion on outside employment

Mr. Rey:

I am reviewing this matter and had a few questions. Are you a full time employee? Have completed the Outside Employment procedure and obtained permission for outside employment from your supervisor?

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Centorino, Joseph (COE)
Sent: Friday, February 07, 2014 12:27 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: FW: Need an opinion on outside employment

From: Ethics (COE)
Sent: Friday, February 07, 2014 12:27 PM
To: Rey, Julio (MDT)
Subject: RE: Need an opinion on outside employment

Mr. Rey:

Thank you for your inquiry concerning outside employment. Your request has been forwarded to Staff Attorney Gilma Diaz-Greco for response. You should be hearing from her shortly. We appreciate your patience.

Sincerely,

Joseph M. Centorino
Executive Director
Miami-Dade Commission on Ethics and Public Trust

From: Rey, Julio (MDT)
Sent: Friday, February 07, 2014 10:59 AM
To: Ethics (COE)
Subject: Need an opinion on outside employment

Hi!

I'm hoping you can help me with an uncertainty with my freelance graphic design and advertising work outside the County.

Is it OK for me to use samples of my work for the County, including case studies, advertisements and collateral materials, in my portfolio to seek clients as a freelancer?

Please confirm, and thanks for your help.

--

Julio A. Rey, Graphics Tech Supervisor
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