



Via First Class Mail  
and  
email at [mccoysk@miamidade.gov](mailto:mccoysk@miamidade.gov)

**ETHICS COMMISSIONERS**

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**JOSEPH CENTORINO**  
EXECUTIVE DIRECTOR  
GENERAL COUNSEL

**MICHAEL P. MURAWSKI**  
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**MIRIAM S. RAMOS**  
DEPUTY GENERAL COUNSEL

March 29, 2012

Kenneth C. Mc Coy  
ISD Risk Management Division  
111 NW 1<sup>st</sup> St., Suite 2340  
Miami, FL 33128

**Re: RQO 12-07**

Outside Employment  
See Miami-Dade Co. Code at Sec. 2-11.1 (j).

Dear Mr. Mc Coy:

In a public meeting on March 27, 2012, the Miami-Dade Ethics Commission opined that, *with limitations*, your outside employment as a risk management consultant is not likely to conflict with your duties to the County as a liability claims adjuster.

THESE LIMITATIONS include that your private clients have no interests directly or indirectly adverse to the County and that they do not partially control, own or maintain County property. The Ethics Commission also recommended that, if you receive permission to engage in outside employment, you provide the names of all of your private clients to your supervisors. Most importantly, the Commission emphasized that permission to engage in outside employment is at the sole discretion of your supervisors, irrespective of this opinion.

AS BACKGROUND, you are employed as a liability claims adjuster with the Risk Management Division of the Internal Services Department. Your job responsibilities include investigating, evaluating and negotiating claims for damages brought by third parties arising from the operation or use of County property. Before the merger of County departments last year, your former supervisor allowed you to engage in outside employment as a private risk management consultant.<sup>1</sup> In your private capacity, you chose not to work with claims settlements so as to avoid conflicts, albeit remote, with your County responsibilities.

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<sup>1</sup> Independent of this opinion, your supervisors have granted you permission to engage in outside employment as an instructor on topics related to risk management. You are not employed by the County to conduct training.

THE COUNTY ETHICS CODE prohibits County employees from accepting other employment that would impair their independence of judgment in the performance of their public duties.<sup>2</sup>

Although the outside employment you describe, and as limited by the Ethics Commission, does not appear to conflict with your duties to the County, the Ethics Commission emphasized that the County Ethics Code represents a minimal standard of conduct for those in government service. Public employees should carefully consider the totality of the circumstances before taking any action that could possibly erode the public's trust.

Your supervisors indicated they would base their decision on whether to grant permission to engage in outside employment on the County policy stating that outside employment should not create "a real or *apparent* conflict of interest with one's official or public duties."<sup>3</sup> This Ethics Commission opinion in no way diminishes the ultimate authority of your supervisors to permit or deny your request.

The foregoing construes the Miami-Dade County Ethics Code and is not applicable to conflicts under other County or state laws.

Please feel free to contact me or Victoria Frigo, Staff Attorney, if we can be of further assistance.

Sincerely,



JOSEPH CENTORINO  
Executive Director

copies: Mary Lou Rizzo, ISD Assistant Director, at  
[ARMIL@miamidade.gov](mailto:ARMIL@miamidade.gov)

Beth Wininger, Risk Management Division Director, at  
[BWIN@miamidade.gov](mailto:BWIN@miamidade.gov)

Lupe Seco, Liabilities Claims Manager, at [LSECO@miamidade.gov](mailto:LSECO@miamidade.gov)

<sup>2</sup> Miami-Dade Co. Code at Sec. 2-11.1 (j).

<sup>3</sup> Miami-Dade Co. Administrative Order AO 7-1 (emphasis added).