
From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, June 29, 2015 3:06 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Evelyn Campos, Division Director, Professional Compliance Division, MDAD (contracting with the County) INQ 15-131

INQ 15-131 Campos

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, June 29, 2015 3:06 PM
To: Campos, Evelyn (Aviation) (ECampos@miami-airport.com)
Cc: Centorino, Joseph (COE); Perez, Martha D. (COE)
Subject: Evelyn Campos, Division Director, Professional Compliance Division, MDAD (contracting with the County) INQ 15-131

Dear Ms. Campos:

You have inquired whether a prohibited conflict of interest would exist where a County employee who engages in outside employment with a private company he co-owns that provides emergency/survival training, is seeking to rent a conference room at Miami Executive Airport facilities to provide that training.

As background, a County employee who works at the MEA, which is owned by the Miami-Dade County Aviation Department (MDAD), requested and was granted permission to engage in outside employment through his privately owned company (he is a co-owner of the company) that provides emergency/survival training. This company is not a County vendor. The classes are advertised on the American Heart Association's website and the general public can sign up for a class. Conference rooms are available at MEA for rental by the general public. The County employee is seeking to rent the MEA conference room facilities to provide the emergency/survival training.

CONTRACTING WITH THE COUNTY

Under the County Ethics code, County employees have certain limitations on contracting with the County. Once an employee has been granted permission to engage in outside employment, he or she is not prohibited from transacting business with the County or entering into a contract with the County (such as renting a conference space at a County facility) through his or her privately owned company provided that the contract does not interfere with the full and faithful discharge of that employee's duties to the County. *See* the County Ethics Code at Secs. 2-11.1 (c)(2) and (d). This includes the condition that the employee may not participate in determining the contract requirements or in awarding the contract. Additionally, none of the employee's job responsibilities and job descriptions may require him or her be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance.

Finally, pursuant to Section 2-11.1 (c)(2), a County employee **may not enter into a contract with the County if the employee works in the department that would enforce, oversee or administer this contract**. Consequently, the County employee referred to here, may not enter into an agreement to rent

space available at MEA because he is employed by the department which oversees and administers the MEA conference room space he is seeking to rent.

This opinion is based on the facts presented. If these facts change please contact us.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Campos, Evelyn (Aviation) [<mailto:ECampos@miami-airport.com>]
Sent: Wednesday, June 24, 2015 9:50 AM
To: Diaz-Greco, Gilma M. (COE)
Cc: Madry, Wallace (Aviation); Jimenez, Barbara S. (Aviation)
Subject: RE: COE Opinion Needed-Employee Conducting Business on Airport Property

Mimi,

Here are the responses from the employee regarding the following questions:

Does he advertise classes to County employees? Are his students County employees?

1. No, our classes are posted on the American Heart Association website and the general public can sign up for a class on their site.
2. I have no way of knowing if any of my students are County Employees or not. I do remember of 1 student saying something about working at a County park with disabled children but, I do not know if she was a County Employee or a private child care facility employee that uses a County Park.

Evelyn Campos
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From: Diaz-Greco, Gilma M. (COE) [<mailto:GDIAZGR@miamidade.gov>]
Sent: Tuesday, June 23, 2015 1:10 PM
To: Campos, Evelyn (Aviation)
Subject: RE: COE Opinion Needed-Employee Conducting Business on Airport Property

Ok – I'll wait for you to provide all of the information before drafting the opinion.
Best-

From: Campos, Evelyn (Aviation) [<mailto:ECampos@miami-airport.com>]
Sent: Tuesday, June 23, 2015 12:12 PM
To: Diaz-Greco, Gilma M. (COE)
Cc: Madry, Wallace (Aviation); Jimenez, Barbara S. (Aviation)
Subject: RE: COE Opinion Needed-Employee Conducting Business on Airport Property

Mimi,

I've learned the employee is co-owner of the company that provides the survival training. That company is not a registered County vendor.

We are still trying to determine if his students are County employees but we know he only gives classes 2-4 times a month.

He does not use any County supplies to conduct his classes.

I will get back to you regarding class composition.

Regards,
Evelyn Campos
Division Director / Professional Compliance Division
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From: Diaz-Greco, Gilma M. (COE) [<mailto:GDIAZGR@miamidade.gov>]
Sent: Monday, June 22, 2015 2:49 PM
To: Campos, Evelyn (Aviation)
Subject: RE: COE Opinion Needed-Employee Conducting Business on Airport Property

Evelyn:

I discussed this matter with Joe. There were a couple of things we wanted clarification on-

In his outside employment, does this employee work for a County vendor?

Are his students County employees? Does he advertise classes to County employees?

Thanks-

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Campos, Evelyn (Aviation) [<mailto:ECampos@miami-airport.com>]
Sent: Friday, June 12, 2015 5:18 PM
To: Diaz-Greco, Gilma M. (COE)
Cc: Jimenez, Barbara S. (Aviation); Campos, Evelyn (Aviation)
Subject: COE Opinion Needed-Employee Conducting Business on Airport Property

Ms. Diaz-Greco,

We require guidance from the Commission on Ethics regarding an MDAD employee who is conducting his outside employment on airport property. This employee was granted authorization to work for a company that provides emergency/survival training. This

work does not conflict with his current employment and authorization was granted. The issue is the employee has been renting the conference room at the Miami Executive Airport, for the correct fees, and is conducting emergency/survival training to groups of students, from which he charges a per person fee.

The concern is this employee is conducting business on our property (no more than twice a month) and earning revenues, which are offset by the minimal fee for renting the room. The background is normally, when an entity is seeking to operate a business on Aviation property a permit, concession or other contractual arrangement is executed to assure the Department will earn a percentage of the revenue for the privilege of conducting business on our property.

Therefore, the question we are asking is does the COE view this as a conflict of interest in any way or as preferential treatment to an employee?

As always, we appreciate the assistance!

Evelyn Campos
Division Director / Professional Compliance Division
Miami-Dade Aviation Department

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