
From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, July 30, 2015 12:01 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Dale Poster-Ellis, Division Director, ITD (conflicting employment) INQ 15-164

INQ 15-164 Poster-Ellis

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, July 30, 2015 12:00 PM
To: Poster-Ellis, Dale (ITD); McClaskey, Maritza (ITD)
Cc: Centorino, Joseph (COE); Murawski, Michael P. (COE); Perez, Martha D. (COE)
Subject: Dale Poster-Ellis, Division Director, ITD (conflicting employment) INQ 15-164

Dear Ms. Poster-Ellis:

You asked whether a prohibited conflict of interest would exist if a County employee were to be transferred to do programming work related to a financial audit being performed by the auditing firm in which her husband is a head partner.

The facts as we understand them are as follows. The manager of a County employee working in the ITD department as a computer programmer would like to transfer the employee to a position involving programming work on ADPICS, a program used to keep track of procurement purchase orders and vendor information under existing County contracts. The reports generated in the ADPICS program are used in a financial audit being conducted by McGladrey an accounting firm which is a County vendor. The employee's husband is the Head Partner of the Miami office of this firm, and is responsible for overseeing the team that is conducting the audit. Given that, if transferred, this employee's work would involve preparing the reports that would be used in the audit, it would be very closely related to the audit that her husband's firm is overseeing. At a minimum this would create an appearance of impropriety. Consequently we recommend against transferring the employee to this position. The transfer would likely create conflicting employment for this employee which could place her in situation where her independence of judgment in the performance of her County duties could be compromised. See Miami-Dade Code at 2-11.1(j).

Furthermore, please be aware that if her husband has a controlling financial interest in the firm conducting the audit (defined as 10% or more under section 2-11.1(b)(9) of the Miami-Dade Code), Sections 2-11.1(c) and (d) of the Miami-Dade Code, would prohibit that firm from entering into a contract with the department in which the firms partner's spouse works.

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

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

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

From: Poster-Ellis, Dale (ITD)
Sent: Tuesday, July 28, 2015 9:42 AM
To: McClaskey, Maritza (ITD)
Cc: Diaz-Greco, Gilma M. (COE)
Subject: FW: Question

Maritza –

I spoke to Gilma Diaz-Greco, attorney with the Ethics Commission, who is copied on this email. She posed a number of questions to me which I am unable to answer. As such, please call her directly. You can then advise me of the outcome. Gilma's direct line is 305-350-0638.

DPE

From: Poster-Ellis, Dale (ITD)
Sent: Friday, July 24, 2015 11:40 AM
To: Diaz-Greco, Gilma M. (COE)
Subject: Question

Good morning Gilma –

You were referred by ITD's Procurement Manager, Julian Manduley who works for me. One of the managers here at ITD has a question that we need an ethical response. Here's the situation: The manager wants to assign one of her subordinate employees to do programming work in an area that is being audited by the County's external financial audit firm (McGladrey) in which her husband is a manager, partner or some official (was not given specific role). Can she deploy the employee to work in the area? She indicated there's a staff deficiency in that area and the employee has skill set that would greatly benefit the County. I think McGladrey has a multi-year contract so although audit of last year is coming to an end, it will again pick up after this year's fiscal closing. Appreciate your thoughts on this.

Regards.

Dale Poster-Ellis
Director, Operational Support Services
Information Technology Department
5680 SW 87th Avenue
Miami, Florida 33173
Direct 305.596.8639
Mobile 786.255.1371
dpe@miamidade.gov