
From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, February 13, 2015 2:59 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Santiago Pastoriza, Procurement Officer, ISD (Outside Employment) INQ 15-22
Attachments: Outside_Employment_Guidelines_2013.pdf

INQ 15-22 Pastoriza

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, February 13, 2015 2:58 PM
To: Pastoriza, Santiago (ISD)
Cc: Centorino, Joseph (COE)
Subject: FW: Santiago Pastoriza, Procurement Officer, ISD (Outside Employment) INQ 15-22

Dear Mr. Pastoriza:

It was pleasure speaking with you over the phone recently. You advise that you are employed as a Procurement officer by the County Internal Services Department (ISD). You requested permission to engage in outside employment as a personal trainer at the Miami-Dade County Employee Fitness Center managed by Aquila, Inc. (Aquila), a County vendor. Your supervisor denied your request for permission to engage in outside employment with Aquila based on the supervisor's determination that an appearance of impropriety exists in this case because ISD contracts with Aquila to manage the County employee's fitness center.

Generally, the Miami-Dade County Code at Section 2-11.1 requires that any outside employment by any full-time County employee must first be approved in writing by the employee's Department Director" by completing the "Request for Outside Employment" form. The request to engage in outside employment must be resubmitted and approved every year. Please note that Miami-Dade County Ethics Code requires that employees who engage in outside employment submit an "Outside Employment Statement" on a yearly basis to meet the financial disclosure requirement of the Ethics code at Sec. 2-11.1(k)(2).

As we discussed over the phone, permission to engage in outside employment is at the discretion of one's supervisor. When determining whether to grant permission to engage in outside employment, a supervisor may ask the Ethics Commission for an opinion about potential conflicts of interest regarding the proposed outside employment, but obtaining an ethics opinion is not required. Please note that the denial of permission to engage in outside employment pursuant to the Miami-Dade Code at Section 2-11 is not appealable. I have attached a document titled "Outside Employment Guidelines" prepared by the Ethics Commission which you may find informative.

You also inquired whether providing personal trainer services to Aquila Inc., a private entity, on a volunteer basis would constitute outside employment. In previous opinions (*see e.g.* INQ 12-94), the Ethics Commission has provided a working definition of outside employment as "any non-County employment or business relationship in which the County employee provides a personal service to the non-County employer that is compensated or customarily eligible to be compensated." Given that providing personal trainer services is customarily eligible to be compensated, providing these services to Aquila Inc. would constitute outside employment.

Please contact us if you have further questions.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
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Miami, FL 33130
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www.facebook.com/MiamiDadeEthics

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From: Ethics (COE)
Sent: Monday, January 12, 2015 12:18 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: FW: Request for Outside Employment Opinion.

Please handle.

From: santiago pastoriza [<mailto:santi4057@hotmail.com>]
Sent: Monday, January 12, 2015 11:50 AM
To: Ethics (COE)
Subject: Request for Outside Employment Opinion.

Good afternoon,

I am writing this email requesting an opinion regarding outside employment. My name is Santiago A. Pastoriza and I am currently a Procurement Contracting Officer in the Internal Services Department. I have been a County employee for about 8 years in this department. As a Procurement Officer I am responsible for managing contracts that are related to Information Technology commodities. In addition to being a Procurement Officer, I am also a Certified Personal Trainer. I have had several interviews and job offers at fitness establishments around Miami and I have not accepted any. All of the opportunities that were presented to me either required me to quit my job at Miami Dade County or would interfere too much with my home life. Back in December, I was offered an opportunity to teach a group fitness class at the Miami Dade County Employee Fitness Center. The Director at the center became aware of my fitness credentials and figured I would be a good fit for the job. At the time I did not see it as an issue because the schedule that I was offered would not interfere with my current schedule at the Internal Services Department. The classes that I was offered to teach would take place on Tuesdays and Thursdays at 6:30am until 7:30am. My regular work

schedule at the Internal Services Department is from Monday through Friday from 9:00am to 6:00PM. When I was offered the position, I mentioned it to my Procurement Supervisor and she didn't see any issues with it because it would not interfere with my current duties as a Procurement Officer. Shortly after, I was asked to complete an Outside Employment Request Form. My request for outside employment was denied by my Assistant Directors because they felt there would be an issue with perception. I was told that the reason I am being denied the request was because the Internal Services Department contracts with the current vendor (Aquila, Inc.) who manages the Employee Fitness Center. It was explained that it might be perceived in a negative manner that an employee who works for the Internal Services Department also works for the vendor who manages the center. Although I understand the thought process behind this form of "perception", I do not agree with it. As I mentioned prior, the commodities that I am responsible for purchasing within my unit are all Information Technology related. As a result, I do not have any connections to contracts related to Employee Fitness Center. In addition, as a group fitness instructor the only people that I would have direct contact with are the Miami Dade County employees who attend my class. The class programming and the way I run it are all created by me with no input from Aquila. I would not have any direct contact with Aquila executives or decision makers. If I did and felt that there was a conflict of interest or unethical behavior going on, I would forfeit my position as an instructor and report it to this Commission. I am basically using the studio space to teach a class and nothing else. Additionally, I would not be receiving any free gifts from Aquila or special perks. I would still pay my monthly fee to attend the fitness center as all other Miami Dade County employees do. I would also appreciate it if an opinion can be provided regarding me volunteering my time as a fitness instructor. If for any reason, I am again denied my request for outside employment, I would consider offering my services as a group fitness instructor at the facility Pro Bono. I would much rather be compensated for my work, but I am willing to sacrifice 2 hours a week to help Miami Dade County employees become more healthy. As a volunteer, am I required to complete an Request for Outside Employment form? I would really appreciate it if an opinion can be provided. I have attended several Ethics Training classes since I have been employed by the County and I do not feel that this in any way is unethical or malicious. I truly appreciate your time.

Have a great day!

Santiago A. Pastoriza
Internal Services Department

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, February 27, 2015 10:16 AM
To: Sanchez, Rodzandra (COE)
Subject: Santiago Pastoriza, Procurement Officer, ISD (Outside Employment) INQ 15-22
Attachments: Outside_Employment_Guidelines_2013.pdf

INQ 15-22 Pastoriza

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As we discussed over the phone, permission to engage in outside employment is at the discretion of one's supervisor. See e.g., RQO 12-11. When determining whether to grant permission to engage in outside employment, a supervisor may ask the Ethics Commission for an opinion about potential conflicts of interest regarding the proposed outside employment, but obtaining an ethics opinion is not required. Please note that the denial of permission to engage in outside employment pursuant to the Miami-Dade Code at Section 2-11 is not appealable. I have attached a document titled "Outside Employment Guidelines" prepared by the Ethics Commission which you may find informative.

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Santiago A. Pastoriza
Internal Services Department