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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Monday, November 16, 2015 9:49 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: Juan Calienes/ CAP- 72 Corp. d/b/a/ Calienes Aerial Photography: Ethics Opinion (Limitations on Contracting with the County) INQ 15-258  
**Attachments:** CalienesLimitationsLetter.pdf; CalienesRequestForm.pdf; CalienesLettertoCOE.pdf

[INQ 15-258 Calienes](#)

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**From:** Perez, Martha D. (COE)  
**Sent:** Friday, November 13, 2015 10:26 AM  
**To:** Calienes Jr., Juan (WASD)  
**Cc:** Gotay, Jose M. (WASD); Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)  
**Subject:** Juan Calienes/ CAP- 72 Corp. d/b/a/ Calienes Aerial Photography: Ethics Opinion (Limitations on Contracting with the County) INQ 15-258

Dear Mr. Calienes,

We are in receipt of your Request to register as a County Vendor. You have indicated that you have received approval from your Department Director to engage in outside employment as an aerial photographer, through your privately-owned company, CAP-72, Corp.

Attached is the Limitations on Doing Business with the County Ethics Opinion letter. Please note that it indicates, *inter alia*, that **CAP-72 Corp., d/b/a Calienes Aerial Photography, may enter into contracts with Miami-Dade County but not with the Miami-Dade County Water & Sewer Department.**

You may print this letter and submit to the Procurement Department. I will send you the original letter via regular mail.

Please contact me if you have further questions.

Sincerely,

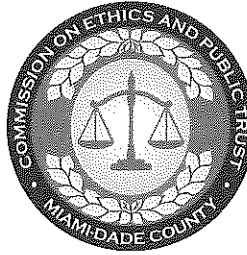
**Martha D. Perez**  
Staff Attorney  
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST  
19 West Flagler St. Suite 820  
Miami, FL 33130  
(305)350-0656  
[PEREZMD@miamidade.gov](mailto:PEREZMD@miamidade.gov)

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# MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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ADVOCATE  
Miriam S. Ramos  
DEPUTY GENERAL COUNSEL

Via First Class Mail  
and email

November 13, 2015

Juan Jose Calienes, Jr.  
CAP-72 Corp.  
P.O. Box 441056  
Miami, FL 33144

*Please submit this letter to  
the Procurement  
Department. The Ethics  
Commission does not submit  
this letter on your behalf*

Re: INQ 15-258, Limitations on Doing Business with the County

Dear Mr. Calienes:

CAP-72 Corp., d/b/a Calienes Aerial Photography, (CAP-72) may enter into contracts with Miami-Dade County but not with the Miami-Dade Water & Sewer Department.

This opinion is based on the following facts and legal analysis:

On November 12, 2015, you asked about limitations in doing business with the County through your privately-owned company, CAP-72. You are employed as a Utility Supply Specialist 1, Stores & Procurement Division, working in the Hialeah Storeroom at the Hialeah-Preston Water Treatment Plant section of the Miami-Dade Water & Sewer Department.

### OUTSIDE EMPLOYMENT

Work conducted for your privately-owned company constitutes outside employment. The Ethics Code prohibits County employees from engaging in conflicting outside employment. You will be required to obtain permission to engage in outside employment annually from your supervisor and file related financial disclosure forms every year. Conflicting employment is sometimes created when a County employee comes in contact with the same or similar people or entities in both his outside employment and in his County job or when he uses the same or similar resources in his outside employment as he uses in his County work. *See* the County Code at Secs. 2-11.1 (g) and (j).

**Please note that this letter does not grant you permission to engage in outside employment.** You must obtain permission to engage in outside employment annually from your supervisor and file related financial disclosure forms every year.

## CONTRACTING WITH THE COUNTY

Once you have been granted permission to engage in outside employment, you may enter into a County contract through your privately owned company, CAP-72, as long as the contract does not interfere with the full and faithful discharge of your duties to the County. *See* the County Ethics Code at Secs. 2-11.1 (c)(2) and (d).

This includes the condition that you may not participate in determining the contract requirements or in awarding the contract. Additionally, none of your job responsibilities and job descriptions may require you to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. Finally, you may **not** work in any County department that would enforce, oversee or administer this contract. Consequently, CAP-72 may not enter into contracts with the Miami-Dade Water & Sewer Department.

## LOBBYING

Additionally, you may not lobby the County. In this case, you may not contact anyone within the County in an attempt to influence a decision about the contract you are seeking. *See* the County Ethics Code at Sec. 2-11.1 (m)(1).

This opinion construes the Miami-Dade County Ethics Code as it applies to County employee-vendors at Secs. 2-11.1 (c)(1) and (m)(1) only. It is not applicable to any conflicts under other sections of the County Code or to issues related to state or federal laws. If any of the facts you have presented change or if you have further questions, please feel free to contact me at 305 350-0656.

Sincerely,



Martha D. Perez  
Staff Attorney

INQ 15-258  
Calienes

November 13, 2015

November 10, 2015

Miami-Dade County Commission on Ethics and Public Trust  
19 West Flagler Street, Suite #820  
Miami, Florida 33130

Re: Conflict of Interest Opinion

Dear Sir/Madam:

I, Juan Jose Calienes Jr, principal owner of CAP-72 Corp., dba Calienes Aerial Photography am seeking to compete for work as a Miami-Dade County vendor for Aerial Photography Services.

I have been employed by Miami-Dade County since July 14, 2003 and am currently working as a Utility Supply Specialist 1 in the Stores & Procurement Division, Hialeah Storeroom of Miami-Dade Water & Sewer Department, at the Hialeah-Preston Water Treatment Plant.

With guidance from my immediate supervisor, I have applied for outside employment through my chain of command and received approval from the Department Director (I can attach my outside employment approval if needed). My work schedule is as follows Monday – Friday from 7:30 AM – 4:00 PM. My work schedule with CAP-72 Corp. does not conflict with my county work schedule as most of my time shooting photos is done after work hours or on weekends.

I have always been interested in photography, and for years it has been my passion. As an active drone enthusiast and operator with a creative eye, I shoot aerial scenery photos including; sunrises and sunsets as well as specialty shots.

I do not feel there is a conflict of interest as my work is related to purchasing goods and services already on county contracts which have been developed by the operational staff. I simply maintain inventory of these items and reorder when supplies are low. My application to become a Small Purchase Order vendor is to offer to the county aerial photography services for the county to use as digital photos, for print, or as the county deems necessary.

CAP-72 Corp started in August of 2015 and has worked hard and diligently to become a legitimate business. Registered in the State of Florida, Division of Corporations. Attained a FEIN number with the IRS. Opened a bank account with BB&T. Applied for a Certificate of Use and a Local Business Tax Receipt with Miami-Dade County. And built a website to showcase my work. ([www.calienesaerial.com](http://www.calienesaerial.com))

I honestly believe that there exists no conflict of interest and welcome a favorable recommendation. Thank you for your time in advance.

Sincerely,



Juan J. Calienes Jr, President and Founder  
CAP-72 Corp.  
7369 NW 7<sup>th</sup> Street  
Miami, FL 33129  
Tel: 786-285-5328  
[www.calienesaerial.com](http://www.calienesaerial.com)

(Revised Copy)

### County Employees Wishing to Register as County Vendors

Please submit the following information by mail, fax, **or** email to—

Gilma Diaz-Greco, Staff Attorney  
 The Commission on Ethics & Public Trust  
 19 West Flagler St., Suite 820  
 Miami, FL 33130

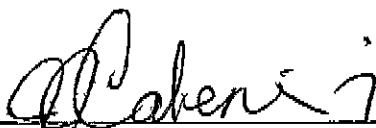
Phone: (305) 350-0638  
 Fax: (305) 579-0273  
 Email: [gdiazgr@miamidade.gov](mailto:gdiazgr@miamidade.gov)

Employee's Name	Juan Jose Calienes Jr.
Employee's Dept.	Miami-Dade Water & Sewer
Employee's Title	Utility Supply Specialist 1.
Business Name	CAP-72 Corp.
Type of Business	Aerial Photography Sales
Employee's Mailing Address	P.O. Box 441056, Miami, FL. 33144
Employee's Daytime Phone	786-552-4730 (Cell: 786-285-5328)
Employee's Preferred Email	calienesaerial@gmail.com
Immediate Family Members	N/A <small>(Please list the names, titles, and departments of any immediate family members currently employed by Miami-Dade Co.)</small>

The Miami-Dade County Conflict of Interest & Code of Ethics at § 2-11.1 (c)(2) allows County employees to contract with the County in certain circumstances and if the following criteria are met. Please confirm that you will meet all of these criteria:

1. Entering into a contract with the County will not interfere with the full and faithful discharge of my duties to the County.
2. I will not participate in determining the contract requirements.
3. I will not participate in awarding the contract.
4. My job responsibilities and job description will not require me to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination, or forbearance.
5. I will not be working in the County department that enforces, oversees, or administers the contract.

I have read these requirements and pledge to abide by them.

  
 Signature \_\_\_\_\_ Date 11/12/15