
INQ 16-104 Caraballo

From: Diaz-Greco, Gilma M. (COE)

Sent: Friday, April 01, 2016 2:37 PM

To: Caraballo, Mary (JAC) <JAC0013@miamidade.gov>

Cc: Centorino, Joseph (COE) <CENTORI@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Murawski, Michael P. (COE) <MURAWSK@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Molina, Cristina M. (JAC) <JAC0044@miamidade.gov>

Subject: Mary Caraballo, Clerk IV, Mami-Dade Juvenile Services Department (Outside Employment) INQ 16-104

Dear Ms. Caraballo:

You have inquired about possible conflicts of interest between you County employment and your proposed outside employment.

You are employed at the Miami-Dade Juvenile Services Department as a Clerk IV. Your job duties include serving as a coordinator for the GPS program, fixing and resolving data integrity issues and, running monthly reports and co-administration of the Quest and BI systems. You are seeking outside employment as a “Zumba” exercise instructor with Aquila Limited Health and fitness (Aquila), a County vendor. Although Aquila is a County vendor, your supervisor confirms that Aquila does not have any contracts with the Juvenile Services Department which employs you.

Section 2-11.1(j) of the County Ethics Code prohibits County employees from engaging in outside employment which would impair the County employee’s independence of judgment in the performance of his or her official duties. Based on the facts presented here, we find that your proposed outside employment as a Zumba instructor is not likely to create conflicting employment because: your public duties as a Clerk IV and you job duties as Zumba instructor are not closely related; the employment would occur outside of you County hours of employment; and your department does not contract with, oversee, or administer Aquila’s contract with the County because Aquila does not contract with the Juvenile Services Department.

However, we caution that County employees cannot use County time or resources in the furtherance of their outside employment (Miami-Dade Code § 2-11.1(g)); they are prohibited from using any confidential information acquired as a result of their County employment to derive a personal benefit (Miami-Dade Code § 2-11.1(h)); and they cannot represent their outside employer in any matter before the County (Miami-Dade Code § 2-11.1(m)).

Furthermore, we remind you that all County employees engaged in outside employment must obtain permission to engage in that employment on a yearly basis. Miami-Dade Code §2-11, Administrative Procedure 7-1, and Procedure 403. In addition, County employees employed by County vendors must file an Affidavit with the Miami-Dade Clerk of the Courts disclosing employment with that vendor (Miami-Dade Code §2-11.1(f)). This affidavit can be found on the COE’s website at http://ethics.miamidade.gov/library/2016-publications/affidavit_of_no_controlling_interest.pdf.

Finally, all **full-time** County Employees who engage in outside employment are required to file an Outside Employment Statement reporting the annual income they received from their outside employment on a yearly basis with the Miami-Dade County Elections Department by noon on July 1. (Miami-Dade Code §2-11.1(k)(2)).

This opinion is limited to the facts as you presented them to the Commission on Ethics. Please contact us if these facts change. Other conflicts, based on directives from your Department or under state law, may apply. If you have additional questions regarding possible conflicts based on Department directives, contact your Department supervisor or the Mayor's Office. Questions regarding the state ethics laws should be addressed to the State of Florida Commission on Ethics.

Please contact us if you have any further questions.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Molina, Cristina M. (JAC)
Sent: Wednesday, March 30, 2016 4:30 PM
To: Diaz-Greco, Gilma M. (COE)
Cc: Caraballo, Mary (JAC)
Subject: RE: Outside Employment Request

Good afternoon Ms. Diaz-Greco. The Juvenile Services Department does not contract with Aquila Limited Health and Fitness Solutions.

Please feel free to contact me if you have any questions.

Thanks!

Cristina Molina, Manager JSD Fiscal and Human Resources
Miami-Dade County Juvenile Services Department
305-755-6204 (Phone) 305-755-6146 (Fax)
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From: Caraballo, Mary (JAC)
Sent: Tuesday, March 29, 2016 12:16 PM

To: Molina, Cristina M. (JAC)
Subject: FW: Outside Employment Request

Hi Cris,

This is the question I got back from Ethics. I'm not sure, but I don't think our Department has a contract with them. How can I find out to make sure my paperwork is correct?

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, March 22, 2016 2:25 PM
To: Caraballo, Mary (JAC)
Subject: RE: Outside Employment Request

Ms. Caraballo:

Does Aquila Limited Health and Fitness Solutions contract with the Juvenile Services Department?

Please advise.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Caraballo, Mary (JAC)
Sent: Monday, March 21, 2016 1:07 PM
To: Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: Outside Employment Request

Good afternoon Gilma,

I spoke with you a couple of weeks ago regarding outside employment. I completed the Request for Outside Employment form, but my manager is stating that I need to request an Ethics Opinion due to the job being with a County vendor. Can you provide me with an Ethics Opinion on this matter? I would greatly appreciate your assistance.

Thank you,

Mary Caraballo, Clerk IV
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