

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, October 18, 2016 2:20 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Antonio Padron, Plant Electrician SCADA Section, Miami-Dade County Water and Sewer Department (Outside Employment) INQ 16-234

[INQ 16-234 Padron](#)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, October 18, 2016 2:19 PM
To: Padron, Antonio (WASD) <Antonio.Padron@miamidade.gov>
Cc: Brewer-McDuffie, Cecilia (WASD) <Cecilia.Brewer-McDuffie@miamidade.gov>; Sander, Vincent R. (WASD) <Vincent.Sander@miamidade.gov>; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Antonio Padron, Plant Electrician SCADA Section, Miami-Dade County Water and Sewer Department (Outside Employment) INQ 16-234

Dear Mr. Padron:

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

Background

You are employed at the Miami-Dade County Water and Sewer Department (WASD), as a Plant Electrician in the SCADA section. Your County job duties are limited to installing, upgrading and maintaining SCADA equipment and instruments. Supervisory control and data acquisition (SCADA) is an industrial automation control system that is used to monitor, gather, and process data which is sent to remote terminal units, and interacts with control devices at WASD pump stations. Your County job requires that you personally obtain a journeyman's electrical license, which is not paid for by the County. Your work at the County does not involve any installation of residential or commercial electrical equipment but is limited to working with SCADA. The SCADA materials used in the performance of your county duties can only be used for industrial purposes and are incompatible with residential or commercial installations.

You are engaged in outside employment through your privately owned company, Padron Electrical Contractor, Inc. (Padron Electrical) and are seeking to qualify Padron Electrical to perform residential and commercial electrical work under a Master Electrician's License that you have applied for and obtained. Your work for Padron Electrical would be limited to preparing job estimates and qualifying residential and commercial lighting and electrical maintenance projects. You would not apply for permits or perform electrical installations. This work would take place on Saturdays outside of your County work hours and would be performed in municipalities and in Counties other than Miami-Dade.

Legal Analysis

Sections 2-11.1(j) and (k) of the County Ethics Code prohibit 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 or creates a conflict between the County employee's public duties and his or her private interests. Conflicting employment can occur when the outside employment is closely related to the employee's

public duties and/or where the County employee deals with the same people or entities in both his/her outside employment and in his/her public position, *e.g.*, similar clients, suppliers, or subcontractors. See COE's Outside Employment Guidelines, September 2014. With respect to governmental employees engaged in construction related projects, the Ethics Commission has previously opined that an employee working on capital construction projects could continue outside employment as an owner of a private construction company as long as, the private company did not contract with the County, did not engage in any work within the County; its subcontractors did not apply for, or be issued, building permits in the County for any projects associated with the County; did not have any business relationships with any vendors engaged in construction for County or reasonably anticipated to engage in construction for the County. See RQO -8-29 and RQO 08-45.

After a review of all of the facts presented here we concur with your supervisor that, as long as you follow the limitations listed below, your outside employment as a job estimator and qualifier for your company Padron Electrical is not likely to create conflicting employment for the following reasons:

- Padron Electrical does not contract and is not seeking to contract with WASD. You advise that your company would work outside of Miami-Dade County in local municipalities or in other Counties.
- Your public duties and job functions as a WASD Plant Electrician in the SCADA section involve installing, upgrading and maintaining SCADA equipment, a program that only has industrial applications. The SCADA materials used in the performance of your County duties can only be used for industrial purposes and are incompatible with residential or commercial installations. Therefore, the work you perform at the County and your outside employment duties for Padron Electrical preparing job estimates and qualifying **residential and commercial** lighting and electrical maintenance projects would not be closely related.
- Padron Electrical would perform work in municipalities or other Counties, you would therefore be unlikely to deal with the same persons or entities in your outside employment that you deal with during your job functions at WASD.
- Your work with Padron Electrical involves a small amount of hours and would occur outside of your County hours of employment.

However, please note that certain ***limitations will apply***:

- Your work for Padron Electric must be limited to the functions of estimating jobs and qualifying the work done by Padron Electrical and its employees or subcontractors.
- Padron Electrical cannot have any business relationship with County Vendors who are engaged in WASD projects or are reasonably anticipated to engage in WASD projects.
- Employees or agents of Padron Electrical subcontractors will not apply for, nor be issued, permits in the County. RQO -8-29 and RQO 08-45.
- You may not personally apply for permits on perform electrical installations in Miami-Dade County, municipalities or other counties because these activities would normally be performed during regular business hours and would likely create a conflict between your private interests and your work duties for the County. (Miami-Dade Code § 2-11.1(j)).
- You may not use County time or resources in the furtherance of your outside employment (Miami-Dade Code § 2-11.1(g)).
- You are prohibited from using any confidential information acquired as a result of your County employment to derive a personal benefit (Miami-Dade Code § 2-11.1(h));and
- You cannot represent Padron Electrical or any of its clients 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. Full-time County employees are also required to file an [Outside Employment Statement](#) on a **yearly** basis. Miami-Dade Code § 2-11.1(k)(2)

This opinion is based on the facts presented. If these facts change or if you have any further questions, please contact us. Inquiries regarding possible conflicts of interest under State law should be directed to the Florida Commission on Ethics.

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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From: Padron, Antonio (WASD)
Sent: Friday, September 30, 2016 4:19 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: RE: Opinion on a outside employment request.

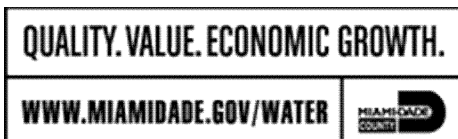
Good afternoon;

As per our conversation, here is the contact information for the assistant director secretary.

Rey, Martha R.
(786) 552-8204
Martha.Rey@miamidade.gov

Thank you,
Have a wonderful weekend.

Antonio Padron Jr, Plant Electrician
Pump station, SCADA South
Miami-Dade Water and Sewer Department
SDWWTP, 8950 SW 232 Street
Goulds, Florida 33190
miamidade.gov/water
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From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, September 29, 2016 3:52 PM
To: Padron, Antonio (WASD) <Antonio.Padron@miamidade.gov>
Subject: FW: Opinion on a outside employment request.

Dear Mr. Padron:

Apologies for the delay in sending your opinion. We have been reviewing the matter and it has been a very busy few weeks. I anticipate it being ready in a about a week.

Again, apologies for the delay.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, September 16, 2016 12:47 PM
To: Padron, Antonio (WASD) <Antonio.Padron@miamidade.gov>
Subject: RE: Opinion on a outside employment request.

Ok Mr. Padron. I'll let you know if I need anything else from you and will contact Mr. Sander for any additional information I require.

From: Padron, Antonio (WASD)
Sent: Friday, September 16, 2016 11:48 AM
To: Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: RE: Opinion on a outside employment request.

Good morning Mrs. Gilma:

- 1- Name of you supervisor and phone number where he or she may be reached.
 - Vincent Sander (786) 268-5655

- 2- Have you been denied this type of employment before? With respect to this year, has your department approved or denied or is the approval pending the ethics opinion?
 - Yes, I was denied in 2012 by other people not in management anymore, my actual request, is at the assistant director level waiting for your opinion.
- 3- Please email me a copy of your current Outside Employment request form.
 - As I stated on the previous question, my request is at the assistant directors office, I did not kept any copy because without their signature is worthless. The memo I sent you is the same memo I sent together with my request to support any concern do to the limited space in the request form. Attached I'm sending another copy of the memo.
- 4- Describe in detail you job functions as a SCADA technician. Would you use the electrician license and class b license required by you County employment in your outside employment?
 - As I have described in the memo, SCADA works on an equipment that does not exist for residential and commercial use which is my outside employment proposed. Our work in SCADA division is totally at an industrial level. Our work is install, upgrade and maintain all SCADA equipment and instruments. I don't need class B commercial driver license for my outside employment, a regular class E is sufficient. I do need my electrician license but here at the county is not been in use they only require as the proof of the knowledge and experience, my electrician license here is in inactive status and that does not benefit me on any way. For example I can't deducted from taxes any expenses of maintain my license like continuing education and license renewing fees which it exceed \$1,000.00 a year, and I can't gain any credits or/and experience to apply for a higher level license and this is the main reason I'm applying for this outside employment.

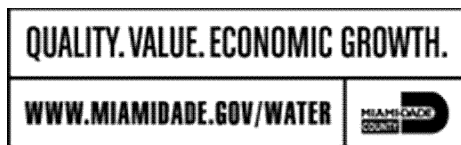
Will your outside employment take place in the County , or are you working only for the municipalities and in other Counties?

My outside employment does not take place in the county at all. I'm going to work only in residential properties within the municipalities and very rare in other counties.

Please let me know at your early convenience if I answer all you questions. Cell (305) 218-8314

Thank you.

Antonio Padron Jr, Plant Electrician
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 Goulds, Florida 33190
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From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, September 15, 2016 9:51 AM
To: Padron, Antonio (WASD) <Antonio.Padron@miamidade.gov>
Subject: RE: Opinion on a outside employment request.

Good morning Mr. Padron:

I am working on your outside employment ethics opinion and require additional information:

- 1- Name of you supervisor and phone number where he or she may be reached.
- 2- Have you been denied this type of employment before? With respect to this year, has your department approved or denied or is the approval pending the ethics opinion?
- 3- Please email me a copy of your current Outside Employment request form.
- 4- Describe in detail you job functions as a Scada technician. Would you use the electrician license and class b license required by you County employment in your outside employment?
- 5- Will your outside employment take place in the County , or are you working only for the municipalities and in other Counties?

Please advise and thank you.

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Padron, Antonio (WASD)
Sent: Thursday, September 01, 2016 12:10 PM
To: Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Cc: Sander, Vincent R. (WASD) <Vincent.Sander@miamidade.gov>
Subject: Opinion on a outside employment request.

Good afternoon Gilma;

As per our conversation over the phone I'm sending an attachment with a memo asking the opinion of the commission of ethics and public trust, for an outside employment request, whether or not it's a conflict of interest or ethics. My supervisor instructed me to copy him on this email. This is the memo I attached to my outside employment application as an explanation that my county job is my number one source of income and always will be my priority. Thank you.

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