

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, November 29, 2016 1:33 PM
To: Sanchez, Rodzandra (COE)
Subject: Lt. Miguel Rodriguez, Miami-Dade Fire Department (outside employment) INQ 16-261

INQ 16-261 Rodriguez

From: Turay, Radia (COE)
Sent: Tuesday, November 29, 2016 12:10 PM
To: Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>
Cc: Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: FW: INQ 16-261, Lt. Miguel Rodriguez, Miami-Dade Fire Department (outside employment)

From: Turay, Radia (COE)
Sent: Tuesday, November 29, 2016 12:10 PM
To: Rodriguez, Miguel (MDFR) <Miguel.Rodriguez@miamidade.gov>
Cc: Penichet, Breno P. (COE) <Breno.Penichet@miamidade.gov>; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: INQ 16-261, Lt. Miguel Rodriguez, Miami-Dade Fire Department (outside employment)

Dear Lt. Miguel Rodriguez,

You have inquired whether a conflict of interest exists where your wife owns and operates an assisted living facility, and you, an employee of the Miami-Dade Fire Department, are listed in the business' incorporation paperwork.

Background

You are employed as a Lieutenant for the Miami-Dade Fire Department. Your wife, Barbara Rodriguez (who is not a County employee), owns an assisted living facility named Caring Hands Assisted Living Inc. Caring Hands Assisted Living Inc. does not do any business with Miami-Dade County government. You are currently listed as an owner/investor in the business. You have represented in your conversations with this office that you do not work for the business, nor do you receive any pay from the business. You indicated that you are listed as part of the incorporation papers simply so you can claim a legal right in the business in the event something happens to your wife.

Analysis

Based on the facts you have provided, we conclude that you are not engaged in outside employment because you do not perform any work, nor do you receive any compensation from Caring Hands Assisted Living Inc. See INQ 05-37. Further, you do not have any conflict of interest under Section (n) of the County Ethics Code, as you do not perform any official action in your county employment that directly or indirectly affects a business in which you or any immediate family member has a financial interest.

This opinion is based on the facts as you have presented them to the Ethics Commission. Please contact us if these facts change.

Sincerely,

RADIA TURAY

Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 350-0601
Fax: (305) 579-0273
Ethics.miamidade.gov

From: Rodriguez, Miguel (MDFR)
Sent: Wednesday, November 23, 2016 11:30 AM
To: Penichet, Breno P. (COE) <Breno.Penichet@miamidade.gov>
Subject: Re: Investigation K15-53A

Hello Mr. Penichet,

I would like to request an opinion from the Ethics Board so in the future this situation will not come up again. My question is there a conflict of interest if my wife owns and operates an Assisted Living Facility and I being a Miami Dade firefighter am part of the incorporation papers as a board member just in case my wife passes away and I can claim operating control of business and have some legal right to the business in case she dies. I have no day to day responsibilities or time that I work at this business.

Thank you sir and Happy holidays,

LT. MIGUEL RODRIGUEZ, MBA, EMT-P
BATTALION 2 RESCUE 31 A SHIFT
MIAMI-DADE FIRE RESCUE
PERSONAL CELL – (305) 409-6471
MIGUEL.RODRIGUEZ@MIAMIDADE.GOV
"Always Ready, Proud to Serve"

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: Penichet, Breno P. (COE)
Sent: Wednesday, August 24, 2016 2:09 PM
To: Rodriguez, Miguel (MDFR)
Cc: Olmo, Nilda (COE)
Subject: RE: Investigation K15-53A

Lt. Rodriguez

Thank you for your quick response we are having phone problems, I think we can clear this up quickly and be done, not a big deal, all I need to know is your status in the "Caring Hands Assisted/ ALF". According to the State of Florida you are listed as Executive Secretary is that still your status?, and if so do you receive any income from the venture. If you do, all you need to do is file a financial disclosure form. If you want to discuss it further call me at my cell 305-984-4154, and we can clear this up.

Regards

Breno Penichet, Investigator

Miami-Dade Commission on Ethics and Public Trust

19 West Flagler Street Suite 820

Miami, Florida 33130

reno@miamidade.gov

Tel: [\(305\) 350-0632](tel:(305)350-0632)

Fax: [\(305\) 579-1093](tel:(305)579-1093)

From: Rodriguez, Miguel (MDFR)
Sent: Wednesday, August 24, 2016 1:38 PM
To: Penichet, Breno P. (COE) <RENO@miamidade.gov>
Subject: Re: Investigation K15-53A

Hello sir,

I have tried to call you several times now to no avail. I will gladly answer any questions you may have but please keep in mind my Firefighter bill of rights which i have included for your convenience.

Fire Fighters' Bill of Rights:

Whenever you are subjected to interrogation, you have the following rights under Florida Statutes:

- 1. Before you are questioned,** you must first receive written notice of sufficient detail of the investigation to reasonably apprise you of the nature of the investigation.
- 2. Before you are questioned,** you must be given the names of all "complainants."
- 3. Before you are questioned,** you must be informed of the name and rank of the officer in charge of the investigation, all interrogators and all persons present during the interrogation.

4. The interrogation must take place at the main fire station, or the facility where the investigation officer is assigned.
5. The interrogation must be held at a reasonable time of day, preferably when you are on duty, unless immediate action is required.
6. The interrogation must be of a reasonable duration with rest periods.
7. You cannot be subjected to offensive language.
8. You cannot be offered any incentive as an inducement to answer questions.
9. A tape recording or other complete record must be made of the interrogation.
10. If a transcript is made of the interrogation, you are entitled to a copy **free** of charge.
11. You are entitled to a union representative during the interrogation.
12. You cannot be disciplined, threatened or discriminated against because you exercise your rights under this law.

"Weingarten Rights" - Right to Representation"

As a public employed, you have a right to union representation in an investigatory or disciplinary interview if you have a reasonable belief that disciplinary action may result from the interview.

You must request representation to preserve your rights. If your request is denied, advise the investigator that you are participating "under protest."

Thank you,

Sent from iPhone of
Miguel Rodriguez, MBA, EMT-P
(305) 409-6471
"Happiness is a Choice"

On Aug 24, 2016, at 12:07 PM, Penichet, Breno P. (COE) <RENO@miamidade.gov> wrote:

Good afternoon Lt. Rodriguez,

Please contact me at your earliest convenience in order for us to meet concerning an investigation. Thanking you in advance on this matter.

Respectfully

Breno Penichet, Investigator

Miami-Dade Commission on Ethics and Public Trust

19 West Flagler Street Suite 820

Miami, Florida 33130

reno@miamidade.gov

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