

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Friday, December 23, 2016 9:26 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Lt. Ernice Elie, Miami-Dade Corrections and Rehabilitation Department (outside employment)

INQ 16-288 Elie

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**From:** Turay, Radia (COE)  
**Sent:** Thursday, December 22, 2016 4:04 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:** INQ 16-288, Lt. Ernice Elie, Miami-Dade Corrections and Rehabilitation Department (outside employment)

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**From:** Turay, Radia (COE)  
**Sent:** Thursday, December 22, 2016 4:03 PM  
**To:** Elie, Ernice (MDCR) <[Ernice.Elle@miamidade.gov](mailto:Ernice.Elle@miamidade.gov)>; Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>; Key, Tamara (MDCR) <[Tamara.Key@miamidade.gov](mailto:Tamara.Key@miamidade.gov)>  
**Cc:** [eelie03@hotmail.com](mailto:eelie03@hotmail.com)  
**Subject:** RE: re: Request for Outside Employment MDC

Dear Lt. Elie,

You have inquired whether a conflict of interest exists under the County Ethics Code between your County employment and your proposed outside employment as a part-time general instructor with Miami-Dade College, School of Justice.

### Background

You are Executive Officer for the Training Bureau at the Miami-Dade Corrections and Rehabilitation Department. Your current job responsibilities include interceding on behalf of the Bureau Supervisor for problems, questions, or directives that may arise concerning the Training Bureau; preparing post orders, standard operating procedures, memorandums, reports, lesson plans and routine correspondences; and assessing needs of training programs and initiating action to address the needs for the department.

You are seeking to engage in outside employment as a part-time general instructor for the Miami-Dade College, School of Justice. In your role as a part-time general instructor, you will provide basic training in the general subject areas to police, corrections, or federal law enforcement officer candidates; develop lesson plans, practical exercises and other training aids; instruct classroom work, lecture, demonstrations of the required FDLE and NPS curriculum when necessary; and provide constructive feedback and evaluation of student's conduct and class performance. The proposed outside employment will be performed during your off-duty hours. The classes will take place at Miami-Dade College, School of Justice.

### 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.

Based on the facts presented here, we find that your proposed outside employment as a part time instructor at MDC School of Justice is not likely to create conflicting employment due to the following conditions, to which you have agreed: Miami-Dade College no longer directly contracts with MDCR for the purposes of training MDCR staff; you do not have the authority to approve or disapprove any agreements for services between MDC and MDCR for purposes of training MDCR staff; you have no involvement in the selection, oversight, or administration of County training vendors; no County employee under your direct supervision will be attending your classes; and of the MDCR staff that may attend the classes that you teach at MDC, you have no input into their County assessments and promotions within MDCR.

Additionally, both you and your supervisor, Captain Tamara Key, have represented that you will no longer be involved in the decision-making process regarding which training classes MDCR staff may take at Miami-Dade College.

As a reminder, pursuant to 2-11 of the County Code, County employees are required to request permission to engage in outside employment from their supervisor on a yearly basis. In addition, Section 2-11.1(k)(2) of the County's Ethics Code requires filing a financial disclosure form on a yearly basis. County employees are cautioned that they may not engage in any activity which would require them to disclose confidential information acquired by reason of their official position, nor use such information directly or indirectly for their personal gain or benefit. See Section 2-11.1(h), County Ethics Code. Lastly, a County employee may not use his or her official County position to secure privileges or exemptions for themselves or others. See Section 2-11.1(g), County Ethics Code.

This opinion is based on the facts presented. If any of these facts change, please contact us.

Sincerely,

**RADIA TURAY**

Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust  
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Miami, FL 33130  
Tel: (305) 350-0601  
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Ethics.miamidade.gov

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**From:** Elie, Ernice (MDCR)  
**Sent:** Thursday, December 08, 2016 4:14 PM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Cc:** [eelie03@hotmail.com](mailto:eelie03@hotmail.com)  
**Subject:** re: Request for Outside Employment MDC

Greetings Attorney Turay,

The attached is for your review, should you have any further question and/or concerns, please advise.

Also, as discussed, the Miami Dade College School of Justice is no longer a vendor for the MDCR Correctional Academy.

v/r,

**Ernice L. Elie, Lieutenant**  
**Executive Officer**  
**Training Bureau**  
**Miami-Dade Corrections and Rehabilitation Department**  
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Miami, Fl 33147  
786-263-5958 (Office) / 786-263-6188 (Fax) / 305-301-7475

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*Trust in the Lord with all thine heart; and lean not unto thine own understanding.....Proverbs 3:5*