

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, June 01, 2017 1:33 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: Myrlene Summerset, Administrative Officer 3, Miami-Dade County Corrections Department (Outside Employment) INQ 17-148

[INQ 17-148 Summerset](#)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, June 01, 2017 1:30 PM  
**To:** Summerset, Myrlene (MDCR) <Myrlene.Summerset@miamidade.gov>  
**Cc:** Kirkland, Tina (MDCR) <Tina.Kirkland@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:** Myrlene Summerset, Administrative Officer 3, Miami-Dade County Corrections Department (Outside Employment) INQ 17-148

Dear Ms. Summerset:

Your department asked whether a County employee is engaged in outside employment if he or she serves on the board of a non-profit organization and is compensated for his or her work.

You state that the employee has a non-profit business. For purposes of this inquiry I will assume that means that he or she has established a non-profit business rather than working for a traditional non-profit such as the United Way.

The County Ethics Code prohibits County employees from accepting or engaging in other employment that would conflict with the employees public duties. Miami-Dade Code 2-11.1(j) and (k). The Commission on Ethics has generally defined "other employment:" or "outside employment" as "any non-County employment or business relationship in which the County employee provides a personal service to the non-County employer that is compensated or customarily compensated." RQO 16-01 (2016) and RQO 17-01 (2017). See also INQ 13-236 (2013), and INQ 12-131.

Therefore, any outside work that is compensated, whether that work is performed for a for-profit entity or a non-profit entity, would be considered outside employment. In this instance, given that the employee is compensated for the work that he or she performs for the non-profit entity, it would be considered outside employment and the employee would be required to complete the outside employment paperwork (Outside Employment Request and Outside Employment Statement) on a yearly basis.

Specifically, with respect to non-profit entities established and administered by a County employee, the COE recently found in RQO 17-03 (attached) that employees who establish a nonprofit and serve as the Executive, Director, President or Manager of that non-profit on a compensated or uncompensated basis and are actively involved in the administration of that entity, are engaged in outside employment requiring completion of the outside employment paperwork on a yearly basis. The rationale behind this decision is that a County employee who founds and serves as an Executive Director, President or Manager and administers his or her

own non-profit organization could be expected to expend a level of time and effort that would meet the criteria established for outside employment.

Please contact me if you have any further questions or if I may be of further assistance.

Cordially,

Gilma (Mimi) Diaz-Greco  
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust  
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**From:** Kirkland, Tina (MDCR)  
**Sent:** Tuesday, May 30, 2017 12:03 PM  
**To:** Diaz-Greco, Gilma M. (COE) <[Gilma.Diaz-Greco@miamidade.gov](mailto:Gilma.Diaz-Greco@miamidade.gov)>  
**Cc:** Summerset, Myrlene (MDCR) <[Myrlene.Summerset@miamidade.gov](mailto:Myrlene.Summerset@miamidade.gov)>  
**Subject:** RE: Non-for profit business  
**Importance:** High

Good afternoon Ms. Diaz-Greco,

It's nice hearing from you as well. I will be out of the office until next week Wednesday (June 7, 2017). Can you please reply to Ms. Summerset with the answer?

Thanks

*Shawntia Kirkland, Personnel Specialist 2*  
Personnel Management Bureau, Employee Relations  
**Miami-Dade Corrections & Rehabilitation Department**  
2525 NW 62nd Street, Suite 2000  
Miami, Florida 33147  
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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, May 30, 2017 12:00 PM  
**To:** Kirkland, Tina (MDCR)  
**Subject:** RE: Non-for profit business

Good afternoon Ms. Kirkland:

It's nice to hear from you- The COE recently issued a decision on this matter. I am finalizing some matters today and will respond to you tomorrow.

Best regards,

Gilma (Mimi) Diaz-Greco  
Staff Attorney



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**From:** Kirkland, Tina (MDCR)  
**Sent:** Tuesday, May 30, 2017 11:18 AM  
**To:** Diaz-Greco, Gilma M. (COE) <[Gilma.Diaz-Greco@miamidade.gov](mailto:Gilma.Diaz-Greco@miamidade.gov)>  
**Subject:** Non-for profit business  
**Importance:** High

Greetings Ms. Diaz-Greco,

Do an employee have to submit an Outside Employment request form if they have a non-profit business? (The employee is on the board receiving a pay check)

*Shawntia Kirkland, Personnel Specialist 2*

Personnel Management Bureau, Employee Relations  
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