

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, June 07, 2017 9:23 AM
To: Sanchez, Rodzandra (COE)
Subject: Dr. Emma Lew, Miami-Dade County Medical Examiner (Outside Employment) INQ 17-150
Attachments: Sec. 2_11. __Outside_employment_by_County_employees..docx

INQ 17-150 Lew

From: Centorino, Joseph (COE)
Sent: Monday, June 05, 2017 5:18 PM
To: Lew, Emma O. (ME) <Emma.Lew@miamidade.gov>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>; Angell, Christopher (CAO) <Christopher.Angell@miamidade.gov>
Subject: INQ 17-150 Dr. Emma Lew, Miami-Dade County Medical Examiner (Outside Employment)

Dear Dr. Lew:

This is in response to your recent inquiry and will serve to memorialize our conversation concerning the outside employment of your medical examiner staff physicians. You have informed that, generally, these full-time County employees have been given permission in the past to engage in outside employment in connection with non-County matters, with the understanding that those who engage in such outside employment would do so on their own time outside of regular County working hours. You have also indicated that it is known that you do not wish that these employees accept employment that would involve their retention for purposes that would be adverse to the positions of medical examiners in other jurisdictions. This is due to the necessity that there is a need for your office to maintain trusted, working relationships with other medical examiner offices, with whom you or your staff may consult with in connection with issues handled in your office or in other offices. Your inquiry was prompted by the apparent employment by one of your staff members on a civil matter in Broward County, in which your employee may be offering an opinion that is at odds with that of the Broward County Medical Examiner. You have expressed concern that, while the employee feels it is not inappropriate due to the fact that it is a civil rather than a criminal matter, you have legitimate concerns that this conflicts with the policy you have for the office, as well as the possibility that there may be ethical issues raised by such conduct. Going forward, you wish to clarify the policy of your office in regard to such engagements.

As I indicated to you, this office can provide legal ethics opinions to inquiring County employees regarding the provisions in Section 2-11.1 of the Miami-Dade County Code of Ordinances, commonly referred to as the Ethics Ordinance, which this agency has the authority to interpret and enforce, and which include potential conflicts of interest on the part of County officials or employees who engage in outside employment. In order to do so, we would need to inquire further into the details of that employment in order to determine how and to what extent such employment would interfere with the interests of the County. However, prior to our doing so, we would ask the question of whether the director of the department involved has given permission for such outside employment. It is within the discretion of a department director to set his or her own rules on outside employment in order to protect the interests of the department involved, even where there is no violation of the Ethics Ordinance.

Section 2-11 of the County Code (see attached), which is not part of the Ethics Ordinance, expressly provides that a department director has the approval authority over outside employment requests, and that such approval may be denied where the employment is "contrary, detrimental or adverse to the interest of the County or any of its

departments.” Therefore, if it is your opinion that the employment of your medical staff in situations where they may be utilized as consultants or witnesses in opposition to other medical examiners’ offices is adverse to your department’s interest, you have the discretion to deny such requests. This office has no authority to overturn or question such decisions on your part.

In the event that a County employee should ask for an ethics opinion from us, we would look into the issue under Ethics Code Subsection 2-11.1(j), to determine whether the outside employment might impair the employee’s independence of judgement in the performance of his or her public duties. However, a ruling by a department head such as yourself, denying such a request for outside employment, would make such an inquiry on our part unnecessary.

If you have further questions in this area, you may feel free to call me, or else you may wish to review the guidelines and FAQ’s on the Ethics Commission website regarding outside employment.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
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From: Lew, Emma O. (ME)
Sent: Monday, June 05, 2017 2:09 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: Question Specific to the Medical Examiner

Good Afternoon Mr. Centorino,
I would like to ask a question specific to our medical examiners in Miami-Dade County. If someone can discuss an issue with me, I am available into the evenings as well. My direct line is (305) 545-2449. Thank you. Emma Lew