

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, June 07, 2017 9:00 AM
To: Sanchez, Rodzandra (COE)
Subject: Eddie Kirtley, Assistant County Attorney (Outside Employment) INQ 17-151

INQ 17-151 Kirtley

-----Original Message-----

From: Kirtley, Eddie (CAO)
Sent: Tuesday, June 06, 2017 6:16 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@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>
Subject: RE: INQ 17-151 Eddie Kirtley, Assistant County Attorney (Outside Employment)

Joe, thank you.

EDDIE KIRTLEY
Assistant County Attorney
Miami-Dade County Attorney's Office
111 NW First Street, 28th Floor
Miami, Florida 33128
Direct: 305.375.2066

-----Original Message-----

From: Centorino, Joseph (COE)
Sent: Tuesday, June 06, 2017 2:11 PM
To: Kirtley, Eddie (CAO) <Eddie.Kirtley@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>
Subject: RE: INQ 17-151 Eddie Kirtley, Assistant County Attorney (Outside Employment)

The rule on paid survey work would not automatically apply to eBay sales. It was provided to give you an idea of what we came up with in a somewhat analogous situation. But getting paid for a survey by a private company involves something that is more clearly of a commercial nature than getting involved in an eBay sale as an individual. I doubt that a single sale would ever constitute outside employment in an eBay sale unless there were other factors indicating it was part of a significant commercial venture. For now, I think we can say that occasional eBay sales would not qualify as outside employment where they do not involve a clearly commercial purpose. If in doubt, people should get an opinion from us.

-----Original Message-----

From: Kirtley, Eddie (CAO)
Sent: Tuesday, June 06, 2017 1:34 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@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>
Subject: Re: INQ 17-151 Eddie Kirtley, Assistant County Attorney (Outside Employment)

So suppose the following hypothetical: you sell an antique piece of furniture, or some fine silver that you inherited from a relative, for over \$1000 on eBay, but you sell nothing else for the year. Outside employment or not? I would think not given that you've sold only one item (albeit a valuable one) in a single year, but if you apply the rule below, then it would seem the answer may be yes.

- Eddie

> On Jun 6, 2017, at 1:24 PM, Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov> wrote:

>

> Eddie,

> Just to clarify, RQO actually applies to engaging in more than ten surveys OR earning more than \$1000. My mistake.

> Joe

> -----Original Message-----

> From: Centorino, Joseph (COE)

> Sent: Tuesday, June 06, 2017 11:27 AM

> To: Kirtley, Eddie (CAO) <Eddie.Kirtley@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>

> Subject: INQ 17-151 Eddie Kirtley, Assistant County Attorney (Outside
> Employment)

>

> Hi Eddie,

>

> Generally speaking, we would not consider selling an occasional item on eBay for personal rather than business reasons to be considered outside employment subject to disclosure under Section 2-11.1(k)(2) of the Ethics Code. I have attached INQ 05-19 and INQ 08-24, both of which address this issue. If the sale is purely personal and only sporadic, it would not be considered outside employment, but if a commercial enterprise is formed, and the purpose is a business one which is engaged in regularly for profit, then it would be considered outside employment.

>

> The question of where the cut-off would come between an occasional personal eBay sale and regular engagement in such activity, such that it would, in effect, be considered a business, would need to be determined based on a variety of factors. I have attached RQO 16-01, which addresses the practice of employees engaging in paid online surveys, and sets the bright line rule that such individuals do not participate in outside employment where they engage in no more than ten such surveys annually AND receive no more than \$1000 in compensation. While this does not necessarily apply to eBay sales, it does provide some guidance as to the factors that would be considered in making such a determination.

>

> Joe

>

>

> Joseph M. Centorino

> Executive Director and General Counsel Miami-Dade Commission on Ethics

> and Public Trust

> 19 W. Flagler Street, Suite 820

> Miami, FL 33130

> Tel: (305) 579-2594

> Fax: (305) 579-0273

> ethics.miamidade.gov

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> -----Original Message-----
> From: Kirtley, Eddie (CAO)
> Sent: Saturday, June 03, 2017 4:05 PM
> To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
> Subject: Selling on eBay
>
> Hi Joe - Is selling an occasional item on eBay considered outside employment? I'm not talking about setting up a shop on eBay as a side business, but just listing and selling an item that you own from time to time.
>
> Thank you,
>
> - Eddie