

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Monday, June 26, 2017 3:49 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Evelyn Campos, Division Director, Professional Compliance Division, Miami-Dade Aviation Department (Outside Employment) INQ 17-162

[INQ 17-162 Campos](#)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Monday, June 26, 2017 3:48 PM  
**To:** Campos, Evelyn (Aviation) <ECampos@miami-airport.com>  
**Cc:** 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:** Evelyn Campos, Division Director, Professional Compliance Division, Miami-Dade Aviation Department (Outside Employment) INQ 17-162

Dear Ms. Campos:

You have inquired on behalf of Ms. Sylvia Otalvaro, a County employee, about possible conflicts of interest between her County employment and her outside employment.

### Background

Ms. Otalvaro is employed at the Miami-Dade Aviation Department (MDAD) as a Terminal Operations Specialist ("TOS"). Her job duties as a TOS include providing passenger and visitor customer service and crowd control in specific areas. She is assigned to Concourse D generally, and to the Customs/Federal Inspection Facilities ("FIS") in that concourse. Ms. Otalvaro's job duties as a TOS require her to interact frequently with personnel from American Airlines (American) which operates out of Concourse D and with Eulen America ("Eulen") personnel who operate in Concourse D. She does not perform duties in other areas of MDAD.

Ms. Otalvaro is seeking outside employment for 4-8 hours per week in Concourse D, on an as needed basis, as a Support Service Agent with Eulen, a County vendor, currently contracted at MDAD as a General Aviation Support Permittee (GASP). As a GASP Eulen provides aeronautical customer services such as passenger transport, baggage handling, skycap services, passenger check in, airplane cleaning, and other services. Eulen is also contracted to provide aeronautical customer services to American in Concourse D. Her job duties with Eulen would include, among others, delivering magazines, newspapers, movies and customs forms to American Airlines. She will also be responsible for issuing notifications to American flight crew members to perform drug testing.

### 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 County employees' independence of judgment in the performance of their official duties or creates a conflict between County employees' public duties and their private interests. The County's Administrative Order AO 7-1 reiterates the general principle that County employees must conduct the public's business without even an appearance of conflicting loyalties. It states that "Under no circumstances shall a County employee accept outside employment ... where a real or apparent conflict of interest with one's official or public duties is possible."

The Commission on Ethics has previously held that conflicting employment would likely occur where the County employee is employed by a County vendor that services the facilities where the employee performs his or her County duties. RQO 16-02. Similarly, in this instance, Ms. Otalvaro's outside employment would be with Eulen, a County vendor, which services Concourse D where Ms. Otalvaro performs her County duties.

Other factors may be indicative of potential conflicts between an employee's duties to the public and duties to his/her outside employer. Some of these factors are whether the public employees will come in contact with the same or similar people or entities in both their outside employment and in their public position (e.g., similar personnel, clients, suppliers, or subcontractors) and whether the employees would perform similar duties in their public employment and their outside employment. Here, Otalvaro's outside employment would require her to interact with American Airlines, Eulen and FIS personnel, the same personnel that she deals with routinely in her County employment; and she would be providing customer services to those entities that are similar to those that she provides during her County employment. *See* RQO 99-50 (Airport employee was not allowed to engage in outside employment with an Airport contractor because the outside employment might improperly affect the Airport employee's relationships with his County coworkers and might induce him to use confidential information to benefit his private employer)

Based on the facts presented here, the County Ethics Code bars Ms. Otalvaro's employment with Eulen in Concourse D where she performs her County duties.

This opinion is based on the facts presented. If these facts change or if you have any further questions, please contact me.

Best regards,

Gilma (Mimi) Diaz-Greco  
Staff Attorney



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**From:** Campos, Evelyn (Aviation) [<mailto:ECampos@miami-airport.com>]  
**Sent:** Thursday, June 01, 2017 6:21 PM  
**To:** Diaz-Greco, Gilma M. (COE) <[Gilma.Diaz-Greco@miamidade.gov](mailto:Gilma.Diaz-Greco@miamidade.gov)>  
**Cc:** Campos, Evelyn (Aviation) <[ECampos@miami-airport.com](mailto:ECampos@miami-airport.com)>; Jimenez, Barbara S. (Aviation) <[BJimenez@miami-airport.com](mailto:BJimenez@miami-airport.com)>  
**Subject:** Opinion Needed-Outside Employment-S.Otalvo

We request an Ethics Opinion on the below request for Outside Employment. I have attached the employee's original request for additional information.

Aviation part-time employee, Silvia Oltalvo, currently works as a Terminal Operations Specialist. Her responsibilities are dedicated to specific areas in the terminal to provide passenger/visitor customer service and in the FIS –D concourse (Customs) to do crowd control, as needed. The D concourse is where American Airlines is stationed.

She is requesting outside employment with Eulen America, currently contracted at MDAD as a General Aviation Support Permittee (GASP), to work as a Support Service Agent. The GASPs provide aeronautical services such as passenger transport, baggage handling, skycap services, passenger check in, airplane cleaning, etc.. Ms. Oltalvo indicates her responsibilities at Eulen will be dedicated to the D concourse delivering magazines, newspapers, movies and customs forms to American Airlines. She will also be responsible for issuing notifications to American flight crew members to perform drug testing.

Her requested outside employment hours will be 4-8 per week in a flexible capacity. She has indicated that in her MDAD employment, she has interacted with Eulen in the D-FIS when performing crowd control as Eulen does passenger wheel chair transport in that area.

Ms. Oltalvo has not completed a No Financial Controlling Interest Affidavit at this time.

Thank you for your guidance,

**Evelyn Campos**  
**Division Director / Professional Compliance Division**  
**Miami-Dade Aviation Department**

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