

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, July 11, 2017 9:13 AM
To: Sanchez, Rodzandra (COE)
Subject: Miriam Singer, Chief Procurement Officer/Sr. Assistant Director, Internal Services Department (conflicting employment) INQ 17-170

[INQ 17-170 Singer](#)

From: Turay, Radia (COE)
Sent: Monday, July 10, 2017 5:13 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: FW: INQ 17-170, Miriam Singer, Chief Procurement Officer/Sr. Assistant Director, Internal Services Department (conflicting employment)

From: Turay, Radia (COE)
Sent: Monday, July 10, 2017 5:13 PM
To: Singer, Miriam (ISD) <SINGER@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Garrote, Cynthia (ISD) <Cynthia.Garrote@miamidade.gov>
Subject: INQ 17-170, Miriam Singer, Chief Procurement Officer/Sr. Assistant Director, Internal Services Department (conflicting employment)

Dear Ms. Singer,

You have inquired on behalf of Mr. Josue Carmona whether a conflict of interest exists under the Ethics Code if the Internal Services Department were to hire Mr. Josue Carmona as a Workers' Compensation Adjuster in the Internal Services Department's Risk Management Division.

Background

Mr. Carmona is the top candidate following a competitive recruitment to fill a vacancy of Workers' Compensation Adjuster in the Internal Services Department's Risk Management Division.

He disclosed that his wife, Cossette C. Tamargo, is the owner and sole employee of Reliable Rehabilitation and Consulting, LLC (Reliable). Reliable provides vocational rehabilitation services to Miami-Dade County. The services that Reliable provides for the County are requested or assigned by a Return to Work Specialist who works in the same Workers' Compensation Unit as the Adjuster position that Mr. Carmona would potentially be hired to perform.

If Mr. Carmona were to be appointed, Mr. Carmona would not select which firm the County uses for a particular case, nor issue payments for Vocation Rehabilitation Specialist services. A clerical supervisor within the same unit, who does not directly oversee the Workers Compensation Adjuster position, would do so.

Analysis

The County Ethics Code at Section 2-11.1(c)(1) and 2-11.1(c)(2) prohibits an employee “or his or her immediate family” from entering into a contract with the County “if the employee works in the County department which will enforce, oversee, or administer the subject contract.”

Since the term “immediate family” includes a spouse under Section 2-11.1(b)(9), and the Internal Services Department would be involved in overseeing and administering the contract that Reliable has with the County, the prohibition in the aforesaid sections would apply. It is irrelevant that Mr. Carmona, if hired by the County, would not directly oversee the contract that Reliable has with the County. As long as the Internal Services Department that Mr. Carmona will work for oversees and administers the contract, the prohibition applies, and a conflict of interest exists.

Mr. Carmona has indicated that Reliable is willing to cease doing business with the County should Mr. Carmona be hired as a County employee. The conflict of interest would no longer exist under these set of facts should Reliable withdraw as a vendor for a contract that the Internal Services Department enforces, oversees, or administers.

Alternatively, Mr. Carmona could seek a waiver from the Board of County Commissioners in accordance with Section 2-11.1(c)(4).

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

Sincerely,

RADIA TURAY

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From: Garrote, Cynthia (ISD)
Sent: Tuesday, June 27, 2017 12:04 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Cc: Singer, Miriam (ISD) <SINGER@miamidade.gov>
Subject: Request for Opinion - Mr. Carmona

Hi Radia,

Please see attached request for opinion.

Thanks,

Cynthia Garrote, Esq.,
Procurement Analyst
Ethics Officer
Miami-Dade County Internal Services Department
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