

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, July 17, 2017 2:49 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Dr. Alejandra Duran, Veterinarian, County Animal Services Department, Outside/Conflicting Employment (k),(j), INQ 17-175
Attachments: 20170717101631902.pdf

[INQ 17-175 Diaz](#)

From: Perez, Martha D. (COE)
Sent: Monday, July 17, 2017 2:39 PM
To: Diaz, Virginia C. (ASD) <Virginia.Diaz@miamidade.gov>
Cc: Duran, Alejandra (ASD) <Alejandra.Duran@miamidade.gov>; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Dr. Alejandra Duran, Veterinarian, County Animal Services Department, Outside/Conflicting Employment (k),(j), INQ 17-175

Dear Ms. Diaz,

You inquire on behalf of the Director of the County's Animal Services Department (ASD), Alex Munoz, whether Dr. Alejandra Durán may engage in outside employment as a private Veterinarian.

Background

Dr. Durán is a Veterinarian assigned to ASD. Her duties and responsibilities include general health checks, vaccinations, surgeries and other medical care for the animal shelter population. She is involved with population management and clinic supervision (of veterinary technicians). Dr. Durán would like to secure outside employment as a self-employed Veterinarian working in other clinics and/or through house calls.

Analysis

Permission to engage in outside employment initially requires the approval of the County employee's department Director. See AO 7-1; INQ 15-22. Section 2-11.1(j) of the County Ethics Code prohibits conflicting outside employment and it is intended to prevent both corrupt behavior and an appearance of corruption where a public employee may be perceived as having conflicting loyalties. See also AO 7-1 ("under no circumstances shall a County employee accept outside employment...where a real or apparent conflict of interest in one's official or public duties is possible"). In general, conflicting employment occurs when the County employee's work is closely related to his or her outside employment. See RQO 15-03; *Ethics Commission "Outside Employment Guidelines" Memorandum*

A clear conflict of interest would exist *if* Dr. Durán would engage in the following activities:

- 1) soliciting business for her private practice while she is on duty at ASD, either by handing out business cards or informing the ASD clients of her private practice;
- 2) using County resources to advance or promote her outside employment;
- 3) seeing clients at ASD and then seeing the same clients in her private practice;
- 4) having other ASD staff refer clients to her private practice.

See INQ 16-89; INQ 10-45; INQ 07-94.

There is no evidence that Dr. Durán is or would likely be engaged in any of the aforementioned activities. Consequently, there is no conflict for Dr. Durán to maintain her private practice as Veterinarian *as long as she adheres to the following limitations*:

- a) She cannot contract with the County if the contract will interfere with the full and faithful discharge of her County duties AND she may not work for any County department which will enforce, oversee or administer her private/outside employment agreement without receiving a waiver from the Board of County Commissioners. *Section 2-11.1(c)* [Note: Florida Statute Section 112.313(7) prohibits a public employee from holding any employment or contractual relationship with any business entity or agency subject to the regulation of or doing business with the agency where he or she is an employee].
- b) She must not engage in outside employment that will impair her independence of judgment in the performance of her public duties. *Section 2-11.1(j)*
- c) She shall not use her official position to secure special privileges or exemptions for herself or others. For example, she cannot make referrals in her County position to her own private practice. *Section 2-11.1(g)*
- d) She must not disclose or use confidential information acquired through her County position for personal gain. *Section 2-11.1(h)*
- e) She cannot lobby County /ASD staff on behalf of her private practice/business. *Section 2-11.1(m)*
- f) She shall not take any official action which would affect her private financial interests. *Section 2-11.1(n)*

As a reminder, permission to engage in outside employment must be requested on a yearly basis. See Section 2-11. In addition, Section 2-11.1(k)(2) of the County Ethics Code requires filing a financial disclosure form (Outside Employment Statement) on a yearly basis.

This opinion is based upon the facts and circumstances which you have submitted. If any of these change, please contact our office.

Sincerely,

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

19 West Flagler St. Suite 820

Miami, FL 33130

(305)350-0656

PEREZMD@miamidade.gov

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REQUEST FOR OUTSIDE EMPLOYMENT

Sections 2-11.1(j) and (k) of the Miami-Dade County Code provide that County employees may accept incidental or occasional outside employment as long as the employment is not contrary, detrimental or adverse to the interests of the County and as long as **no County time, equipment, or other resources are used**. Miami-Dade County **Administrative Order 7-1** and **Procedure 403** require that any County employee intending to engage in outside employment must first obtain approval from his/her Department Director using this **Request for Outside Employment** form. These approvals must be renewed on an annual basis. Copies of all outside employment approvals shall be maintained in the centralized personnel files of the Human Resources Department. Each County department shall also maintain appropriate records regarding outside employment requests. Full-time County employees engaging in outside employment must also file an **Outside Employment Statement** form with the Elections Department by July 1st of each year, in accordance with §2-11.1(k)(2) of the Miami-Dade County Code. More detailed information on outside employment is available on the **Miami-Dade Commission on Ethics website**.

Employee's Name <i>Alejandra Duran</i>	Employee ID Number <i>212648</i>
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Present County Employment (check one)

<input checked="" type="checkbox"/> County <input type="checkbox"/> Public Health Trust	
Department <i>miami Dade Animal Serv</i>	Position or Title <i>veterinarian</i>
Job Responsibilities <i>Healthchecks, vaccination, surgery, medical responsibilities, population management/clinic supervision</i>	

Proposed Outside Employment

Name of Company/Organization	<i>Self employment</i>
Job Title	<i>Veterinarian</i>
Responsibilities	<i>medical responsibilities</i>
Location	<i>n/a (housecalls, other clinics)</i>
Work Schedule	<i>n/a</i>
Total hours per week	<i>unknown</i>
Will your proposed outside employer release you if and when your services are needed by the County? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

In my outside employment, I am employed by one of the following types of organizations:

- Company or organization that is not a County vendor.
- Company or organization that is a County vendor. (An Ethics Opinion should be requested to ensure that no conflict of interest exists, and the County employee is required to file a sworn **affidavit** with the Clerk of the Board at clerkbcc@miamidade.gov disclosing such employment with the County Clerk of the Board.)
- Self-employed through my private business, whether incorporated or not. (If your privately-owned business is seeking to contract with Miami-Dade County, you are required to request an **ethics opinion**.)
- Company or organization owned by an immediate family member; defined as a spouse, domestic partner, parents, stepparents, children, and stepchildren of employee. (If the company owned by your immediate family member is seeking to contract with Miami-Dade County, **ethics opinion** is required.)

I affirm that the information I have provided is true and I pledge to abide by the requirements listed here.

Employee's Signature

6/16/17
Date

Department Director's Approval

Date