

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, August 16, 2017 10:16 AM
To: Sanchez, Rodzandra (COE)
Subject: Lieutenant Yeber, Miami-Dade Corrections and Rehabilitation Department (outside employment) INQ 17-202

[INQ 17-202 Yeber](#)

From: Turay, Radia (COE)
Sent: Tuesday, August 15, 2017 5:08 PM
To: Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>
Cc: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: FW: INQ 17-202, Lieutenant Yeber, Miami-Dade Corrections and Rehabilitation Department (outside employment)

From: Turay, Radia (COE)
Sent: Tuesday, August 15, 2017 5:07 PM
To: Yeber, Anthony (MDCR) <Anthony.Yeber@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Kirkland, Tina (MDCR) <Tina.Kirkland@miamidade.gov>
Subject: INQ 17-202, Lieutenant Yeber, Miami-Dade Corrections and Rehabilitation Department (outside employment)

Dear Lt. Yeber,

You have inquired whether a conflict of interest exists under the County Ethics Code between your County employment and your proposed outside employment as Adjunct Professor for Florida International University, Department of Criminal Justice.

Background

You are a Lieutenant and the Executive Officer in the Monitored Release Bureau for the Miami-Dade Corrections and Rehabilitation Department. Your current job responsibilities include providing support to the Bureau Supervisor; overseeing the administrative operations of the Monitored Release Bureau; and supervising the Administrative Sergeant and approximately 55 other MDCR personnel.

You are seeking to engage in outside employment as an Adjunct Professor for the Florida International University, Department of Criminal Justice. In your role as an adjunct professor, you will teach various courses regarding criminal justice. While FIU is a county vendor, the courses that you will be teaching are part of the regular curriculum for FIU students, and are not affiliated with any training that FIU may provide specifically for County employees. The proposed outside employment will be performed during your off-duty hours.

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 the County employee's independence of judgment in the performance of his or her official duties.

Based on the facts presented here, we find that your proposed outside employment as a part time adjunct professor at FIU's Department of Criminal Justice is not likely to create conflicting employment because: your public duties as a the executive officer in the monitored release bureau for MDCR and your job responsibilities as an adjunct professor are not closely related; you do not work oversee, administer, or monitor FIU's contract with the County; you have no involvement in the selection, oversight, or administration of County training vendors; you do not have the authority to approve or disapprove any agreements for services between FIU and MDCR for purposes of training MDCR staff; and in the event that MDCR staff attend the classes that you teach at FIU as part of their pursuit of their college education at FIU, their attendance would have no effect on their County assessments and promotions within MDCR. See INQ 16-137; INQ 10-125; and INQ 05-143.

As a reminder, pursuant to 2-11 of the County Code, County employees are required to request permission to engage in outside employment from their supervisor on a yearly basis. In addition, Section 2-11.1(k)(2) of the County's Ethics Code requires filing a financial disclosure form on a yearly basis. County employees are cautioned that they may not engage in any activity which would require them to disclose confidential information acquired by reason of their official position, nor use such information directly or indirectly for their personal gain or benefit. See Section 2-11.1(h), County Ethics Code. Lastly, a County employee may not use his or her official County position to secure privileges or exemptions for themselves or others. See Section 2-11.1(g), County Ethics Code.

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

Sincerely,

RADIA TURAY

Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 350-0601
Fax: (305) 579-0273
Ethics.miamidade.gov

From: Yeber, Anthony (MDCR)
Sent: Wednesday, August 09, 2017 9:28 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Re: Outside employment opinion

See below. I hope i answered them all correctly. If you need any further information, please let me know.

Lieutenant Anthony Yeber, M.P.A., M.S.C.J., C.J.M.
Monitored Release Unit, Executive Officer
Miami-Dade County Corrections and Rehabilitation Department
[1401 N.W. 7th Ave](#)
[Miami, FL 33136](#)
Office: 786-263-4826
email: mmyeber@miamidade.gov
www.miamidade.gov/corrections
"Delivering Excellence Every Day"

On Aug 9, 2017, at 3:20 PM, Turay, Radia (COE) <Radia.Turay@miamidade.gov> wrote:

Hello Lieutenant Yeber,

My name is Radia Turay. I am a staff attorney at the Miami-Dade Commission on Ethics and Public Trust. I was assigned to assist you with your request for outside employment. Please provide answers to the questions below so I can further assist you:

1) What is your position at MDCR?

I am a Correctional Lieutenant

2) What are your job duties and responsibilities at MDCR?

I am currently the executive officer for the Monitored Release Unit. I a, responsible for reviewing and approving incident reports, creating and developing policies, and supervising subordinate staff of approx. 55.

3) What job duties will you perform during your outside employment?

I will be teaching as an adjunct professor in academia for criminal justice.

4) Does FIU directly contract with MDCR for the purposes of training MDCR staff?

Not to my knowledge.

5) Will you be teaching at an FIU facility or a MDCR facility?

At FIU facility. Possibly in the future at a county facility but unlikely at an MDCR facility.

6) Do you have the authority to approve or disapprove any agreements for services between FIU and MDCR for purposes of training MDCR staff

No.

7) Do you have any involvement in the selection, oversight, or administration of County training vendors for MDCR?

No

8) Will any County employee under your direct supervision attend your classes?

This is possible but unlikely. Anyone pursuing a college education through FIU may attend the classes offered by FIU.

9) Of the MDCR staff that may attend the classes that you teach at FIU, do you have any input into their County assessments and promotions within MDCR?

No

10) Are you involved in the decision-making process regarding which training classes MDCR staff may take at FIU?

No

I look forward to your anticipated cooperation.

Thanks,

RADIA TURAY

Staff Attorney

Miami-Dade Commission on Ethics and Public Trust

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