

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, September 19, 2017 11:44 AM
To: Sanchez, Rodzandra (COE)
Subject: , Sgt. Melvin Avant (outside employment, limitations on doing business with the County)
INQ 17-228
Attachments: Vendor form.pdf; Sgt. Avant (INQ 17-228).pdf

INQ 17-228 Avant

Opinion attached

From: Turay, Radia (COE)
Sent: Tuesday, September 19, 2017 10:21 AM
To: Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: INQ 17-228, Sgt. Melvin Avant (outside employment, limitations on doing business with the County)

From: Avant, Melvin (MDCR)
Sent: Tuesday, September 19, 2017 6:24 AM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: Ethics Opinion for Melvin Avant

Good morning,
Please see attached. Thank You

From: Turay, Radia (COE)
Sent: Monday, September 18, 2017 4:30 PM
To: Avant, Melvin (MDCR)
Subject: RE: Ethics Opinion for Melvin Avant

Hello Sgt. Avant,

As you are seeking to do business with the County please fill out the form, the link to which is provided below, and send the form directly back to [me](#).

http://ethics.miamidade.gov/library/forms/county_employee_seeking_to_be_a_county_vendor_2013.pdf

thanks,
Radia.

From: Avant, Melvin (MDCR)
Sent: Monday, August 21, 2017 4:48 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: Ethics Opinion for Melvin Avant

Yes. All shutter installations require permits

From: Turay, Radia (COE)
Sent: Monday, August 21, 2017 4:22 PM
To: Avant, Melvin (MDCR)
Subject: RE: Ethics Opinion for Melvin Avant

Hello Sgt Avant,

I was preparing your COE opinion and I had one more question: do you need to pull permits in order to install hurricane shutters or anything else related to the work that Avantage will be doing?

Thanks,
Radia.

From: Avant, Melvin (MDCR)
Sent: Friday, August 18, 2017 12:45 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: Ethics Opinion for Melvin Avant

Good afternoon,

I am sorry for the delay in responding to your email. I was out of the office for a few weeks. In response to the 10 questions that you sent me, please see below.

1. I am a Correctional Sergeant, assigned to the Training Bureau. I supervise the Practical Skills Unit for the Department. My unit is responsible for training new recruits as well as in-service, in the areas of firearms, defensive tactics and First Aid .
2. As the owner of Avantage Express Shutters & Locks LLC, I oversee the entire operations and regards to sales,service and installations of hurricane protection.
3. I am seeking to do business with all departments within the department **Except**, MDCR.
4. My position with County will have no influence on any contract between my company and Miami-Dade County.
5. My positions with the county will have no influence on any contract that may be awarded to my company.
6. In my position with the county, I will not be involved in the contract in any way.
7. Avantage Express will not seek a contract with MDCR.
8. MDCR, will not enforce, oversee, or administer any contracts between Avantage Express and the County.
9. To my knowledge, I will not be servicing and county vendor or contractor that has a contract with MDCR.
10. In my position with the County, I do not have the opportunity to recruit vendors, contractors, bidders, or member of the public to use my outside employment products and services

From: Turay, Radia (COE)
Sent: Thursday, August 10, 2017 11:06 AM
To: Avant, Melvin (MDCR)
Cc: Kirkland, Tina (MDCR)
Subject: RE: Ethics Opinion for Melvin Avant

Hello Sergeant Avant,

I am just following up on my email below. Looking forward to receiving your responses.

Sincerely,
Radia.

From: Turay, Radia (COE)
Sent: Monday, August 07, 2017 3:21 PM
To: Avant, Melvin (MDCR) <Melvin.Avant@miamidade.gov>
Subject: FW: Ethics Opinion for Melvin Avant

Hello Sergeant Avant,

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 this matter. I called and left a message at the phone number that I found in Outlook.

I have reviewed your request for outside employment and saw that you are the owner of a company that is seeking to do business with the County. Please fill at the form at the below listed link, and send it back to me at your earliest convenience.

http://ethics.miamidade.gov/library/forms/county_employee_seeking_to_be_a_county_vendor_2013.pdf

Additionally, please provide responses to the following questions:

- 1) Please describe your responsibilities at MDCR?
- 2) Please describe your duties and responsibilities as the owner of Advantage Express Shutters & Locks LLC (Advantage)?
- 3) What department in the County is Advantage seeking to do business with?
- 4) In your County position, will you participate in any way in determining the contract requirements between Advantage and the County?
- 5) In your County position, will you participate in awarding the contract between Advantage and the County?
- 6) In your County position, will you be involved in the contract in any way including but not limited to, its enforcement, oversight, administration, amendment, extension, termination, or forbearance?
- 7) Will Advantage seek a contract with MDCR?
- 8) Will MDCR enforce, oversee, or administer the contract between Advantage and the County.
- 9) Would you be servicing any county vendor or contractor that has a contract with MDCR?
- 10) Do you work in a position with the County that you have the opportunity to recruit vendors, contractors, bidders, or members of the public to use your outside employment product or services?

Thank-you for your anticipated cooperation.

Sincerely,
Radia.

From: Kirkland, Tina (MDCR)
Sent: Wednesday, August 02, 2017 11:52 AM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: Ethics Opinion for Melvin Avant

Greetings,

The attached is being submitted on behalf of Melvin Avant for an Ethics Opinion.

Should you require additional information, please feel free to contact me at the number below.

Thanks

Shawntia Kirkland, Personnel Specialist 2
Personnel Management Bureau, Employee Relations
Miami-Dade Corrections & Rehabilitation Department

2525 NW 62nd Street, Suite 2000
Miami, Florida 33147
(Office) 786-263-6196 (Fax) 786-263-6127
kirkls@miamidade.gov

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General Counsel
Michael P. Murawski
ADVOCATE

Via First Class Mail
and email at: Melvin.Avant@miamidade.gov

September 19, 2017

Sgt. Melvin Avant
(Address withheld)
Pursuant to Chapter 119,
Florida Statutes

Please submit this letter to the Procurement Department. The Ethics Commission does not submit this letter on your behalf.

Re: INQ 17-228, Limitations on Doing Business with the County

Dear Sgt. Avant,

You have inquired about possible conflicts of interest between your County employment and your proposed outside employment and any limitations you may have doing business with the County.

Background

You are a Sergeant in the Training Bureau at Miami-Dade Corrections and Rehabilitation Department (MDCR). Your current job responsibilities include supervising the Practical Skills Unit of MDCR, which is responsible for training new recruits as well as in-service officers in the areas of firearms, defensive tactics and first aid.

You are seeking to engage in outside employment as the owner of Avantage Express Shutters and Locks LLC (Avantage). In your role as owner, you will oversee the entire operations in regards to sales, service, and installations of hurricane protection.

You are also seeking to do business with all departments within Miami-Dade County government, except MDCR.

Issues:

This opinion will address two questions:

- 1) Whether a conflict of interest exists under the County Ethics Code between your County employment and your proposed outside employment as the owner of Avantage?
- 2) What are your limitations in doing business with the County through your privately owned business, Avantage?

Analysis

- A) Whether a conflict of interest exists under the County Ethics Code between your County employment and your proposed outside employment as the owner of Avantage?

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 or creates a conflict between the County employee's public duties and his or her private interests. Conflicting employment is sometimes created when a County employee comes in contact with the same or similar people or entities in both his outside employment and his County job or when he uses the same or similar resources in his outside employment as he uses in his County work. See the County Code at Secs. 2-11.1(g) and (j).

Based on the information that you have provided to us at this time, it appears to be unlikely that the type of outside employment that you are seeking to engage in would impair your independence of judgement in the performance of your duties as a Sergeant in the Training Bureau at Miami-Dade Corrections and Rehabilitation Department (MDCR)

As a reminder, please note that this letter does not grant you permission to engage in outside employment. Pursuant to the Miami-Dade County Code at Section 2-11, government employees are required to request permission to engage in outside employment from their supervisor on a yearly basis. In addition, Sec. 2-11.1(k)(2) of the Code requires filing an outside employment disclosure form on a yearly basis. Government employees are also 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 Sec. 2-11.1(h), Ethics Code. Lastly, a government employee may not use his or her official position to secure privileges or exemptions for themselves or others. See Sec.2-11.1(g), Ethics Code.

- B) What are your limitations in doing business with the County through your privately owned business, Avantage?

Once you have been granted permission to engage in outside employment by your supervisor, you may enter into a County contract through your privately owned business, Avantage, as long as the contract does not interfere with the full and faithful discharge of your duties to the County. See the County Ethics Code at Secs 2-11.1 (c)(2) and (d).

This includes the condition that you may not participate in determining the contract requirements or in awarding the contract. Additionally, none of your job responsibilities and job descriptions may require you to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. Finally, you may **not** work in any County department that would enforce, oversee or administer this contract. Consequently, Avantage may not enter into contracts with MDCR.

Additionally, you may not lobby the County. In this case, you may not contact anyone within the County in an attempt to influence a decision about any contract, Avantage is seeking. See the County Ethics Code at Sec. 2-11.1(m)(1).

This opinion construes the Miami-Dade County Ethics Code as it applies to County employee-vendors at Secs. 2-11.1(c), (d) and (m)(1) only. It is not applicable to any conflicts under other sections of the County Code or to issues related to state or federal laws.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Radia Turay', is written over the typed name.

Radia Turay
Staff Attorney