

## Sanchez, Rodzandra (COE)

---

**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Friday, March 17, 2017 1:40 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: Request for Ethics Commission Opinion INQ17-77

INQ17-77 Armas

---

**From:** Armas, Juan (MDPR)  
**Sent:** Friday, March 17, 2017 12:49 PM  
**To:** Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>  
**Cc:** Lee, Beatriz M. (MDPR) <Beatriz.Lee@miamidade.gov>; Hernandez, Christopher (MDPR) <Christopher.Hernandez@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>  
**Subject:** Re: Request for Ethics Commission Opinion INQ17-77

Thank you.

Sent from my iPhone

On Mar 17, 2017, at 12:18 PM, Murawski, Michael P. (COE) <[Michael.Murawski@miamidade.gov](mailto:Michael.Murawski@miamidade.gov)> wrote:

Dear Juan:

You had asked for an opinion regarding a part-time employee, Dumera Avilma, and the appropriateness of Mr. Avilma taking outside employment with a County vendor, Boucher Brothers.

It is within the discretion of County department Directors to deny outside employment if it is determined *at any time* to be contrary, detrimental or adverse to the interest of the County or the employee's department.

My understanding is that Mr. Avilma is a Part-Time Park Service Aide and his duties and responsibilities include routine maintenance and custodial work such as cleaning bathrooms, removing litter, cleaning BBQ grills etc...

His proposed outside employment with Boucher Brothers would be as a rental concession attendant, setting up beach chairs and umbrellas and collecting rental fees.

You advised that his hours working for the County at Haulover Park would not conflict with his hours working for Boucher Brothers and that his work as a Park Service Aide is confined to non-beach areas within the park while his work for Boucher Brothers would be limited to only beach areas within the park.

Mr. Avilma would also wear a distinctly different uniform while performing services for Boucher Brothers than his County uniform. Mr. Avilma's supervisor does not have any concerns about Avilma's proposed secondary employment.

Most importantly, you advised me that Mr. Avilma does not have any influence or decision making authority or in any way oversees the contract between the County and Boucher Brothers.

Generally, the Ethics Code does not prevent an employee from being employed by a County vendor as long as the employee does not have any involvement with the vendor's contract.

The County Ethics Code, at section 2-11.1 (J), prohibits employees from engaging in outside employment that would impair their independence of judgment in the performance of their public duties.

Based on the information you provided me, it does not seem that Mr. Avilma's employment with Boucher Brothers is likely to impair his independence of judgment in performing his County duties. However, Section 2-11.1 (f) requires him to file a *sworn statement* with the Clerk of the Circuit Court disclosing such employment ALSO, Mr. Avilma must file a disclosure on an annual basis by July 1 of each year disclosing the outside employment AND the amount of compensation he received from Boucher Brothers. He must also renew his permission for outside employment on an annual basis.

Finally, the work for Boucher Brothers cannot be done on County time or using any County resources (including but not limited to phones, radios, computers or any other equipment).

If you have any questions please feel free to contact me.

Sincerely,

Michael Murawski

---

**From:** Armas, Juan (MDPR)  
**Sent:** Wednesday, March 15, 2017 2:46 PM  
**To:** Murawski, Michael P. (COE) <[Michael.Murawski@miamidade.gov](mailto:Michael.Murawski@miamidade.gov)>  
**Subject:** FW: Request for Ethics Commission Opinion  
**Importance:** High

Hi Mike,

Below is a request for opinion from our Chief of Human Resources. As you will see it pertains to one of our employees engaging in outside employment with one of our department's vendors. Let me know if you need additional information.

Regards,

Juan

**Juan Armas**, Chief, Strategic Business Planning  
Miami-Dade County Parks, Recreation and Open Spaces Department  
(305) 755-7956  
(305) 755-7962 <fax>  
[jayc@miamidade.gov](mailto:jayc@miamidade.gov)

**"Delivering Excellence Every Day"**

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure

---

**From:** Lee, Beatriz M. (MDPR)  
**Sent:** Tuesday, March 14, 2017 4:59 PM  
**To:** Armas, Juan (MDPR) <[Juan.Armaz@miamidade.gov](mailto:Juan.Armaz@miamidade.gov)>  
**Cc:** Ruiz, Michael W. (MDPR) <[Michael.Ruiz@miamidade.gov](mailto:Michael.Ruiz@miamidade.gov)>  
**Subject:** Request for Ethics Commission Opinion  
**Importance:** High

Good afternoon Juan,

Would it be possible for you to forward a request for an opinion to the Ethics Commission? This is the scenario.

We have a part-time employee, Dumera Avilma, who has been employed as a part-time Park Service Aide since 8/20/2012 at Haulover Park. His assigned duties include the general maintenance of Park facility structures and as such, his area of assignment is limited to the Park facility area of the Park. His current shift or schedule with PROS is:

Mondays, 6:30 AM to 3:00 PM;  
Fridays, 6:30 AM to 11:30 PM;  
Saturdays, 6:30 PM to 3:00 PM;  
Sundays, 6:30 AM to 3:00 PM.

This employee is requesting approval to work for Boucher Brothers, an approved County vendor conducting business on County property; specifically in the Haulover Beach area. There are concerns regarding the proximity of the secondary employment, as well as the fact that this is a vendor who contracts with the County to conduct business on its property. The supervisor has stated that he does not have concerns in allowing the secondary employment for the following reasons:

- The employee does not have influence or decision making authority in the contractual relationship between the vendor and the County;
- The hours that he would work for the other employer would not be in conflict with his scheduled hours of work at PROS;
- He would wear a distinctly different uniform while performing services for the other employer;
- While working for the other employer, his area of assignment would be limited to the beach area;
- There would be a clear delineation of duties while performing services for the County vs. the vendor.

I would like to have the opinion of an Ethics Officer before I present this to my Director for approval? Please advise. Thanks!

**Connecting People and Parks for Life**

**Beatriz Lee**, Chief, Human Resources Division  
Miami-Dade County Parks, Recreation and Open Spaces Department  
275 NW 2<sup>nd</sup> Street, Third Floor, Miami, FL 33128  
Tel.: (305) 755-7866  
Fax: (305) 755-7962  
[bmlee@miamidade.gov](mailto:bmlee@miamidade.gov)  
**Connect With Us** on [Twitter](#) | [Facebook](#) | [Instagram](#)

*Please consider the environment before printing this email.*

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.