

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, March 29, 2017 9:42 AM
To: Sanchez, Rodzandra (COE)
Subject: Seraphin Bernard, Special Projects Administrator 2, MDCR (outside employment) INQ 17-96,
Attachments: Seraphin Bernard.pdf

[INQ 17-96 Bernard](#)

From: Turay, Radia (COE)
Sent: Tuesday, March 28, 2017 4:08 PM
To: Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>
Cc: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>
Subject: FW: INQ 17-96, Seraphin Bernard, Special Projects Administrator 2, MDCR (outside employment)

From: Turay, Radia (COE)
Sent: Tuesday, March 28, 2017 4:06 PM
To: Bernard, Seraphin (MDCR) <Seraphin.Bernard@miamidade.gov>; Kirkland, Tina (MDCR) <Tina.Kirkland@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: INQ 17-96, Seraphin Bernard, Special Projects Administrator 2, MDCR (outside employment)

Dear Mr. Bernard,

You have inquired whether a conflict of interest exists under the Ethics Code between your County employment and your proposed outside employment as a real estate broker for Bernard and Associates, LC.

Background

You are a Special Projects Administrator 2 with the Budget and Finance Bureau at Miami-Dade Corrections and Rehabilitation Department (MDCR). Your current job responsibilities include managing the Fiscal Resources Section of the Budget and Finance Bureau, inclusive of the day-to-day operations of the Inmate Finance Unit, which is responsible for providing inmate banking services to inmates that are booked and classified by the MDCR. You are also responsible for overseeing the accounts payable unit, which processes invoices for goods and services rendered to MDCR, including petty cash expenditure.

You are seeking to engage in outside employment as a real estate broker for Bernard and Associates, LC. Bernard and Associates provides a limited form of representation to a buyer, a seller, or both in a real estate transaction but does not represent either in a fiduciary capacity or as a single agent. In your role as a real estate broker you will provide services to prospective buyers and sellers of real property in the State of Florida. Your duties will include: dealing honestly and fairly; accounting for all funds; using skill, care and diligence in the transaction; disclosing all known facts that materially affect the value of real property that are not readily observable to the buyer; and presenting all offers.

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 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 Special Projects Administrator 2 with the Budget and Finance Bureau at MDCR.

As a reminder, 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.

This opinion is based on the facts presented. If any of the facts presented here change, or if you have any further questions, 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: Kirkland, Tina (MDCR)

Sent: Thursday, March 02, 2017 12:27 PM

To: Ethics (COE) <ethics@miamidade.gov>

Subject: Ethics Opinion for Seraphin Bernard

Greetings,

The attached is being submitted on behalf of Seraphin Bernard 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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MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT



Request for Outside Employment

Outside Employment means providing personal services, other than to Miami-Dade County, that are compensated or traditionally compensated, including but not limited to being an employee, an independent contractor, an agent, or self-employment.

Pursuant to Miami-Dade Code 2-11 and 2-11.1, Miami-Dade 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. According to Miami-Dade County Administrative Order 7-1, Procedure 403, and Section 2-11, employees who engage or intending to engage in any outside employment must first obtain approval from the Department Director utilizing this Request for Outside Employment form. 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. The Miami-Dade Corrections and Rehabilitation Department (MDCR) shall also maintain appropriate records regarding outside employment requests. Section 2-11.1(g), explains the violation of public's time and/or resources used in the performance of outside employment which may constitute an "exploitation of official position. Section 2-11.1(h), states that no Miami-Dade County employee may accept employment or engage in any business or professional activity which might reasonably expect, require or induce the employee to disclose confidential information acquired by reason of official position. Section 2-11.1(j) of the Ordinance, states no Miami-Dade County employee may accept other employment which would impair the employee independence, judgmental or duties performance.

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 Conflict of Interest and Code of Ethics Ordinance. More detailed information for outside employment is available on the Miami-Dade Commission on Ethics website at: <http://ethics.miamidade.gov/outside-employment.asp>.

EMPLOYEE INFORMATION

NAME: Seraphin W. Bernard	EMPLOYEE IDENTIFICATION NO.: E37921
MDCR CLASSIFICATION/RANK: Special Projects Administrator 2	FACILITY/BUREAU: Budget and Finance
JOB RESPONSIBILITIES: Managing the Fiscal Resources Section of the Budget and Finance Bureau inclusive of the day-to-day operations of the Inmate Finance unit, which is responsible for providing inmate banking services to inmates that are booked and classified by the Miami-Dade Corrections and Rehabilitation (MDCR) Department. Overseeing the Accounts Payable unit, which processes payment invoices for goods and services rendered to MDCR including petty cash expenditure.	

PROPOSED OUTSIDE EMPLOYMENT

NAME OF COMPANY/ORGANIZATION: Bernard and Associates, Ic.	
ADDRESS: 240 N.E. 48th Terrace, Miami, FL 33137	
JOB TITLE: Real Estate Broker	
DETAILED DESCRIPTION OF DUTIES: To provide the services of real estate to prospective buyers and sellers of real property in the State of Florida. This office provides a limited form of representation to a buyer, a seller, or both in a real estate transaction but does not represent either in a fiduciary capacity or as a single agent. The duties in this transaction broker relationship include the following: dealing honestly and fairly, accounting for all funds, using skill, care and diligence in the transaction, disclose all known facts that materially affect the value of real property that are not readily observable to the buyer and presenting all offers.	
WORK SCHEDULE: Saturday/Sunday	TOTAL HOURS PER WEEK: 10
Will your proposed outside employer release you if and when your services are needed by Miami-Dade County or Miami-Dade Corrections and Rehabilitation Department (MDCR)? <input checked="" type="radio"/> YES <input type="radio"/> NO	
In my outside employment, I am employed by one of the following types of organizations:	
<input type="radio"/> Company or organization that is not a County Vendor.	
<input type="radio"/> Company or organization that is a County vendor. (An <u>Ethics Opinion (for County Employees)</u> form should be requested to ensure that no conflict of interest exists, e.g., Vendor conducts business with MDCR. Additionally, you are required to file a sworn <u>Affidavit</u> disclosing such employment with the County Clerk of the Board.)	
<input checked="" type="radio"/> 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 complete an <u>Ethics Opinion (for County Employees)</u> form.)	
<input type="radio"/> 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, you are required to complete an <u>Ethics Opinion (for Relatives of County Employees)</u> form.)	
NOTE: All forms shall be submitted to the Personnel Management Bureau (PMB) via the Chain of Command. The PMB shall forward the completed forms to the County Clerk of the Board on behalf of the employee.	



MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT



Request for Outside Employment

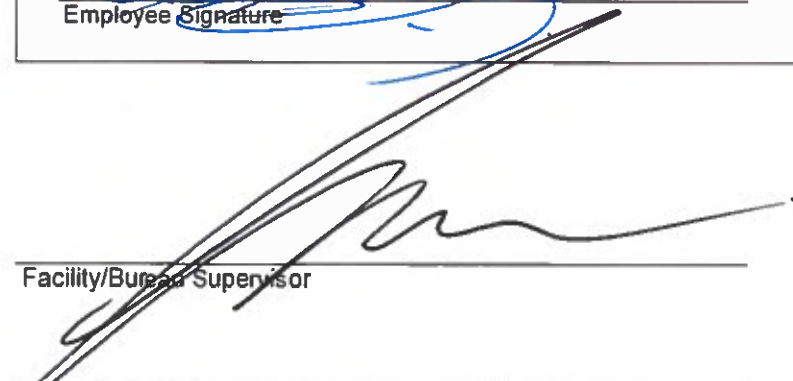
My outside employment will be performed during off-duty hours; hence, no part of such employment will be conducted on Miami-Dade County time. The work will not exceed 20 hours per week. The outside employment will not adversely affect my job performance or represent a conflict of interest or ethical concern with Miami-Dade County. In addition, it is not contrary, detrimental, or adverse to the interest of Miami-Dade County or Miami-Dade Corrections and Rehabilitation Department. I understand that I am subject to recall to duty at any time, approval is only for the employment listed, and continued approval is not assured. No Miami-Dade County equipment, material, instrument or facility will be used.

In accordance with Miami-Dade County Code Section 1, Section 2-56.1(d), Off-regular-duty police services shall mean and include any police services rendered by a Law Enforcement Officer or Correctional Officer during a period or periods of time not within the regular assigned hours of duty except for those police services performed by Correctional Officers on behalf of a state, county or municipal law enforcement agency other than Miami-Dade County pursuant to that agency's supervision and authority and otherwise in accordance with applicable state law. Correctional Officers shall not be considered to be acting within the course and scope of their official duties for Miami-Dade County whenever they are performing police work on behalf of any state, county or municipal law enforcement agency other than Miami-Dade County.

I certify that the information provided is true and correct and I have read and understand the conditions specified in this form and applicable Departmental Standard Operating Procedures concerning outside employment, and I agree to abide by the contents thereof, including any terms and conditions of such employment. I understand that failure to comply with indicated stipulations will be cause for revocation of my approval and could result in possible disciplinary action against me. I also understand and agree that approval or denial is entirely at the discretion of the Director.


Employee Signature

02/22/2017
Date


Facility/Bureau Supervisor

2/23/17
Date

APPROVED DISAPPROVED

Personnel Management Bureau Commander

Date

Division Chief

Date

Assistant Director

Date

Department Director

Date

RECEIVED
2017 FEB 23 P 3:19
PERSONNEL BUREAU
COMMANDER'S OFFICE

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