

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, March 29, 2017 9:46 AM
To: Sanchez, Rodzandra (COE)
Subject: , Jason Santiago, CO 1, MDCR (outside employment) INQ 17-97
Attachments: Jason Santiago.pdf

[INQ 17-97 Santiago](#)

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 17-97, Jason Santiago, CO 1, MDCR (outside employment)

From: Turay, Radia (COE)
Sent: Tuesday, March 28, 2017 4:07 PM
To: Santiago, Jason (MDCR) <Jason.Santiago@miamidade.gov>
Cc: Kirkland, Tina (MDCR) <Tina.Kirkland@miamidade.gov>; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: INQ 17-97, Jason Santiago, CO 1, MDCR (outside employment)

Hello Mr. Santiago,

You have inquired whether a conflict of interest exists under the Ethics Code between your County employment and your proposed outside employment as a reserve police officer with the Biscayne Park Police Department.

Background

You are a Correctional Officer 1 with the Court Services Department at Miami-Dade Corrections and Rehabilitation Department (MDCR). Your current job responsibilities include care, custody and control of inmates, and attending court.

You are seeking to engage in outside employment as a reserve police officer for the Biscayne Park Department. In your role as a reserve officer you will answer emergency and non-emergency calls for service and protection of property and life.

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 Correctional Officer 1 with the Court Services Department 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 12:16 PM

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

Subject: Ethics Opinion for Jason Santiago

Greetings,

The attached is being submitted on behalf of Jason Santiago 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

MIAMI - DADE

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: <u>Jason A. Santiago</u>	EMPLOYEE IDENTIFICATION NO.: <u>E 301641</u>
MDCR CLASSIFICATION/BANK: <u>Correctional officer #1. Court</u>	FACILITY/BUREAU: <u>Court Service</u>
JOB RESPONSIBILITIES: <u>Care Custody and Control of Inmates. Coming to Court.</u>	

PROPOSED OUTSIDE EMPLOYMENT

NAME OF COMPANY/ORGANIZATION: <u>Discayne Park Police Department</u>	
ADDRESS: <u>640 NE 114th St Discayne Park FL 33161</u>	
JOB TITLE: <u>Reserve Police Officer</u>	
DETAILED DESCRIPTION OF DUTIES: <u>Answer Emergency and Non Emergency Calls for service and protection of Property and Life</u>	
WORK SCHEDULE: <u>Wednesdays 16:30 Hrs to 2300 Hrs.</u>	TOTAL HOURS PER WEEK: <u>9.5 Hours</u>
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)? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
In my <u>outside</u> employment, I am employed by one of the following types of organizations:	
<input type="checkbox"/> Company or organization that is not a County Vendor.	
<input checked="" type="checkbox"/> 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 type="checkbox"/> 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="checkbox"/> 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.

[Signature] #6300 12/30/16
 Employee Signature Date

[Signature]
 Facility/Bureau Supervisor

12/30/16
 Date

APPROVED DISAPPROVED

 Personnel Management Bureau Commander

 Date

 Division Chief

 Date

 Assistant Director

 Date

 Department Director

 Date

MIAMI-DADE COUNTY

AFFIDAVIT ATTESTING TO COMPLIANCE WITH SECTION 2-11.1 (f) COMPULSORY DISCLOSURE OF EMPLOYMENT WITH AN ENTITY CONDUCTING BUSINESS WITH THE COUNTY WHERE NO CONTROLLING FINANCIAL INTEREST EXISTS.

I Jason A. Santiago (Check One):
(Print or Type Name)

Am departmental Personnel (Department Head, County Attorney and Assistant County Attorney) or County employee serving as a(n) Correctional Officer in the MIAMI-DADE COURTHOUSE Department.

OR

Have an "immediate family member" (spouse, domestic partner, parent, step-parents, children, and step children) employed by a corporation, firm, partnership, or business entity doing business with the County.

I depose under oath or affirmation (Check One):

That I am employed by Biscayne Park Police, a corporation, firm, partnership, or business entity as an Reserve Police Officer; in which I do not have a controlling financial interest (defined as 10% or more in the Miami-Dade Code at Section 2-11.1((b)(8)), which contracts with the County or any County agency, or is subject to regulation by the County or any of its agencies.

OR

That a member of my immediate family is employed by _____, a corporation, firm, partnership, or business entity as a(n) _____; in which he or she does not have a controlling financial interest(defined as 10% or more in the Miami-Dade Code at Section 2-11.1((b)(8)), which contracts with the County or any County agency, or is subject to regulation by the County or any of its agencies.

Through this affidavit, pursuant to the Miami-Dade Code at Sections 2-11.1(g) and (j), I further affirm that:

I do not lobby the County on behalf of this entity, nor do I oversee either the selection or the administration of any contract this entity holds with the County.

STATE OF FLORIDA Miami-Dade
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me
this 24 day of Jan, 2017.

by [Signature]
(Name of Person Making Statement)

Karen Robinson
(Signature of Notary Public, State of Florida)



(Print, Type, or Stamp Commissioned Name of Notary Public)
Personally known to me _____ Or Produced Identification Type of Identification Produced FL DL

File this form with the Miami-Dade Clerk of the Board.