



Miami-Dade Commission on Ethics & Public Trust

Report of Investigation

Investigator: Sylvia Batista

Case No.: K13-160	Case Name:	Date Opened:	
Complainant(s): Flora E. Seff, Miami-Dade Fire Rescue Department	Subject(s): Steven W. VanDesande, Sr.	12/16/13	

Allegation(s):

On or about 12/12/13 the COE received an e-mail from Flora E. Seff (Seff), Esq., Senior Legal Liaison, Miami-Dade Fire Rescue Department. Seff advised that a Miami-Dade Fire Rescue employee, Steven VanDesande (VanDesande), was given an ethics opinion by the COE wherein he was advised of his duties as they relate to outside employment. Seff said that she believes that VanDesande has not complied with the ethics opinion from the COE.

Relevant Law:

Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1(k) (2) *Prohibition on outside employment by County personnel and disclosure requirements.*
“All full-time County and municipal employees engaged in any outside employment for any person, firm, corporation or entity other than Miami-Dade County, or the respective municipality...shall file, under oath, an annual report indicating the source of the outside employment, the nature of the work being done pursuant to the same and any amount or types of money or other consideration received by the employee from said outside employment.”

Investigation:

Document Review and Research -

VanDesande was given an ethics opinion on 11/03/11 in connection with reporting the income from his outside employment. In the ethics opinion, VanDesande was advised that he is required to file an Outside Employment Statement even if he receives no compensation in the year in which he provided services customarily eligible to be compensated. Furthermore, VanDesande is advised that the income of a corporate entity, including a limited liability company, is not reportable on the Outside Employment Statement under the specific set of facts that he presented.

VanDesande advised during his previous interview that he or he and his spouse hold title to all of the rental properties in question. He purchased the properties to use as tax shelters designed to protect him and his wife from having to pay income tax. This has resulted in zero taxes for the VanDesandes for several years. He actually suffers a loss from the properties. This is the reason why he reports zero income from his outside employment.

01/07/14 - Research on the Electronic Database Management System (EDMS) for Outside Employment Statements revealed that VanDesande filed Outside Employment Statements for 2011 and 2012. VanDesande, who it was determined, was engaged in outside employment because of the number of properties he rented, reported zero compensation for each year. VanDesande's Outside Employment Statement for 2013 is due on or before 07/01/14.

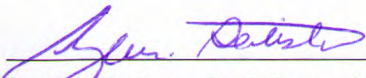
Interviews and e-mails:

01/07/14 – Flora E. Seff, Esq., Senior Legal Liaison, Miami-Dade Fire Rescue Department –

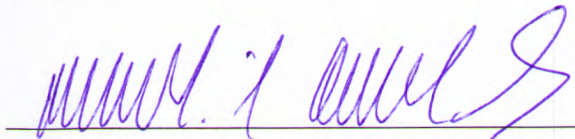
Seff advised that she had reviewed VanDesande's records, but noted that VanDesande has not filed an Outside Employment Statement for 2013. Seff was advised that the 2013 statements are not due until July 1, 2014. She was informed of the COE enforcement limitation on the authorizations to engage in outside employment that must be obtained annually by VanDesande from his supervisor. Seff said she would check outside employment authorization records to see whether VanDesande has complied.

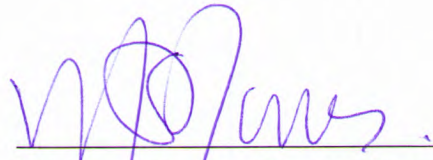
Conclusion(s):

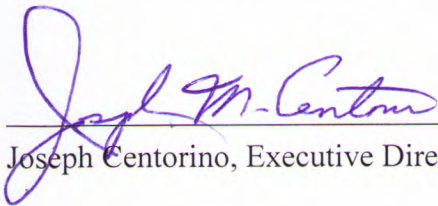
VanDesande has complied with the Outside Employment Statement filing requirement as provided to him in the COE's opinion dated 11/03/11. For this reason, no further action will be taken on this matter.


Sylvia Batista, COE Investigator

Approved by:


Michael Murawski, Advocate


Miriam S. Ramos, Deputy General Counsel


Joseph Centorino, Executive Director

3/7/14
Date

**CASE
CLOSED**

Date: 3/7/14