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Memorandum

Miami-Dade County Office of the Inspector General
A State of Florida Commission on Law Enforcement Accredited Agency
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To: Dr. Emilio T. Gonzalez, Director
Miami-Dade Aviation Department (MDAD)

From: Patra Liu, Interim Inspector General *[Signature]*

Date: May 6, 2013

Subject: OIG Administrative Case Closure, Ref. IG12-22

Attached please find a copy of an Office of the Inspector General (OIG) Administrative Report regarding an MDAD employee and outside employment. Outside employment activities for full-time county employees is governed by Section 2-11 of the Code of Miami-Dade County and Administrative Order (A.O.) 7-1. In brief, it requires the prior approval, in writing, by the employee's department director. The OIG investigation determined that Mr. Jose Luis Rodriguez did engage in outside employment without departmental approval.

The OIG recommends that MDAD management periodically remind all of its employees of the County's policy concerning outside employment and the filing of financial disclosure reports. In addition to this, specific emphasis should be directed to supervisors/managers/directors that suspect or learn of employees that have outside employment, to personally discuss the County's policy with the effected employee, and when necessary, to direct the employee to submit the appropriate request for department approval. If any employees or supervisors are in doubt of what constitutes outside employment, they should seek an opinion from the Ethics Commission.

We consider this matter closed.

Attachment

cc: Joseph Centorino, Executive Director, Commission on Ethics and Public Trust
Carlos E. Jose, Asst. Director, Facilities Management, MDAD
Louis Batule, Shop Supervisor, MDAD
Jose Luis Rodriguez


*Close as
"No Action"*



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To:  Alan Solowitz, Deputy Inspector General

From: Ralph Nelson, Special Agent 

Date: April 30, 2013

Subject: Administrative Case Closure Report of Outside Employment for Jose Luis Rodriguez, Ref. IG12-22

SYNOPSIS

On May 16, 2012, the Office of the Inspector General (OIG) received information from Mr. Charles Danger, Building Official for the Miami-Dade County Department of Permitting, Environment, and Regulatory Affairs (PERA), alleging that Mr. Jose Luis Rodriguez, a Miami-Dade Aviation Department (MDAD) employee, may be engaged in outside employment without departmental approval. Director Danger advised that Mr. Rodriguez was cited for illegally posting signs on public right-of-ways and identified himself as an MDAD employee.

Jose Luis Rodriguez is full-time MDAD employee, currently working as an Airport Hydraulic Mechanic, assigned to the Passenger Loading Bridge Shop at the Miami International Airport (MIA). On May 15, 2012, PERA and the Miami-Dade Police Department (MDPD) conducted a sting operation targeting individuals illegally posting signs advertising businesses. One of the signs removed during the sting was an advertisement for buying junk cars, which had a phone number printed as the contact. Mr. Rodriguez responded to a residence to purchase a junk car, after being contacted at the phone number that was printed on the front of the illegally posted sign. Mr. Rodriguez was cited for violating Section 2-103.15 of the Miami-Dade County Code, a non-criminal offense. The total amount assessed for the eleven (11) civil violations was \$2,860.

The allegation that Mr. Rodriguez was engaged in outside employment without departmental approval is substantiated. Mr. Rodriguez confirmed that he has been in the business of buying and selling junk cars for about one year, but ceased his operations when business slowed down. A review of Mr. Rodriguez's personnel records revealed no evidence of any outside employment requests or authorizations, and no evidence of any financial disclosure filings with the

Elections Department, in violation of Section 2-11 of the Code of Miami-Dade County and Administrative Order (A.O.) 7-1.¹

RELEVANT GOVERNING AUTHORITIES

Outside employment activities for full-time county employees is governed by Section 2-11 of the Code of Miami-Dade County and Administrative Order (A.O.) 7-1. In brief, it requires the prior approval, in writing, by the employee's department director. The approval must also be renewed on an annual basis. Copies of all outside employment approvals shall be maintained in the centralized personnel files of the Employee Relations Department and each department shall also maintain appropriate records regarding outside employment requests.

In addition to being "approved" to engage in outside employment, all employees engaged in outside employment must also, on an annual basis, file an *Outside Employment Statement* form, wherein the employee discloses the nature of the work performed and the amount of money or compensation received. This form must be filed with the County's Elections Department by July 1st of each year, covering the activities of the prior calendar year.

INVESTIGATIVE FINDINGS

This investigation was conducted in accordance with the *Principles and Standards for Offices of Inspector General* as promulgated by the Association of Inspectors General and is accompanied by an *AIG Quality Standards for Investigations Attestation Form*.

The OIG initiated an investigation, based on information received from PERA that Mr. Jorge Luis Rodriguez, a full-time MDAD employee, may be engaged in outside employment without departmental approval. MDAD personnel records revealed that Mr. Rodriguez was hired on May 5, 1994 as a full-time MDAD employee. He was initially hired as a semi-skilled laborer in landscaping, and throughout his 18 years with MDAD, he has been promoted and/or reclassified to various positions. On June 2, 2008, Mr. Rodriguez was reclassified to his current position as an Airport Hydraulic Mechanic. He is currently assigned to the Passenger Loading Bridge Shop at MIA, where he primarily works midnight shifts – from 10:30 p.m. to 6:30 a.m. – with varying days off that are rotated monthly. Further review of the personnel records and investigation into Elections Department records revealed no evidence of any outside employment requests

¹ Mr. Rodriguez did not have outside employment at the time he was cited. On May 22, 2012, he submitted a Request for Outside Employment that was subsequently approved by MDAD.

or authorizations, and no evidence of any financial disclosure filings with the Elections Department, at the time he received the citations.

On May 15, 2012, MDPD, in conjunction with PERA, conducted a sting operation targeting individuals illegally posting signs in the public right-of-ways. . The signs belonging to Mr. Rodriguez read "Compro Carros/We Buy Cars" and also provided "786-308-8700" as the phone number for interested persons to call. PERA reported that Mr. Rodriguez responded to a residence to buy a junk car pursuant to a phone call made to him by a representative of MDPD. At approximately 4:00 p.m. on the above-noted date, Mr. Jose Luis Rodriguez was issued a Uniform Civil Violation Notice for each illegally posted sign found along Miami-Dade County public right- of-ways. Mr. Rodriguez was issued eleven (11) citations, each a violation of Section 2-103.15 of the Miami-Dade County Code. Each violation carries a fine up to \$500. The total amount assessed was \$2,860.

On November 16, 2012, Mr. Rodriguez was interviewed by OIG Special Agents in regards to his outside employment. Mr. Rodriguez was provided with the OIG's County Employee Interview Acknowledgment form in Spanish. Mr. Rodriguez read the form and stated that he understood his rights and signed the waiver consenting to an interview.²

Mr. Rodriguez stated that he bought and sold junk cars for about 8 months to a year, then stopped in June 2012 because there was no business. He further stated that the phone number posted on the signs (786-308-8700) is his phone number. Mr. Rodriguez stated that he was not aware of the County's outside employment policy until after he received the violations on May 15, 2012. He stated that after learning of the policy, he completed a Request for Outside Employment form and submitted it to his supervisor, Mr. Louis Batule. He stated that the request was later approved by the MDAD director. Mr. Rodriguez stated he currently does not have any outside employment and that he now understands the County's policies requiring departmental approval and the filing of the financial disclosure statement with the Elections Department.

On November 20, 2012, Mr. Batule, Shop Supervisor, MIA Passenger Loading Bridge Shop, was interviewed by an OIG Special Agent. Mr. Batule stated that he has been Mr. Rodriguez's immediate supervisor since January 2011. He stated that Mr. Rodriguez has worked some dayshifts, but primarily works the midnight shifts, with monthly rotating days off. He stated that Mr. Rodriguez had mentioned in the past that he personally bought junk cars once in a while. Mr. Batule stated as the supervisor, he did not consider it to be outside employment. He further stated that Mr. Rodriguez's outside activities had not hindered or negatively influenced his MDAD responsibilities and performance in anyway.

² Mr. Rodriguez hired an attorney to represent him for the violations, and voluntarily spoke to the OIG after consulting his attorney. The initial hearing was scheduled for June 24, 2012, but was continued and rescheduled for November 28, 2012.

CONCLUSION & RECOMMENDATION

The allegation that Mr. Jose Luis Rodriguez may have been engaged in outside employment without departmental approval is substantiated. The OIG investigation revealed that prior to May 2012, Mr. Rodriguez did engage in a self-employed business of buying and selling junk cars, in violation of Section 2-11 of the Miami-Dade County Code and Administrative Order 7-1. Mr. Rodriguez stated he was not aware of the County's policy regarding outside employment until he was cited for illegally posting business signs. On May 22, 2012, approximately seven (7) days after receiving the citations from PERA, Mr. Rodriguez submitted a Request for Outside Employment that was subsequently approved by MDAD.

The OIG recommends that MDAD management periodically remind all of its employees of the County's policy concerning outside employment and the filing of financial disclosure reports. In addition to this, specific emphasis should be directed to supervisors/managers/directors that suspect or learn of employees that have outside employment, to personally discuss the County's policy with the effected employee, and when necessary, to direct the employee to submit the appropriate request for department approval. If any employees or supervisors are in doubt of what constitutes outside employment, they should seek an opinion from the Ethics Commission.

Based upon the above findings, no further investigation is warranted at this time, and it is recommended that this case be closed with a copy of this report provided to the MDAD Director, the Commission on Ethics, and Mr. Rodriguez's immediate supervisor.

As this case is recommended for case closure, it is also accompanied by a Case Closing Form.