

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, July 12, 2018 1:30 PM
To: Sanchez, Rodzandra (COE)
Subject: Fw: INQ 18-135, John Ramirez, Flagrant International Solutions (q)

INQ 18-135 Ramirez

From: Turay, Radia (COE)
Sent: Thursday, June 07, 2018 11:32 AM
To: 'John A. Ramirez' <john@flagrantsolutions.com>; 'Robert Smith' <Robert.Smith2@careersourcesfl.com>
Cc: Jenifer Ramirez <jenifer@flagrantsolutions.com>; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: INQ 18-135, John Ramirez, Flagrant International Solutions (q)

Dear Mr. Ramirez,

You have inquired whether the County Ethics Code's "two-year" rule would apply to you because of temporary work you performed at the North Miami Beach Career Center through various staffing agencies.

Background

- You performed contract work at the North Miami Beach Career Center for Miami-Dade County from March 9, 2017 – June 31, 2017.
- Your contract work was performed through staffing agencies Kelly Services and the Cuban American National Council (CNC). They employed and compensated you for the work you performed at the North Miami Beach Career Center.
- Kelly Services is a County vendor that provides temporary personnel staffing to the County.
- CNC is a non-profit entity that provides an array of social service programs and is also one of the County's contracted Refugee Services providers.
- The service provider contract between Miami-Dade County and CNC states that, "The Contractor agrees to comply with the Miami-Dade County, Conflict of Interest and Code of Ethics Ordinance codified at Section 2-11.1 et al."
- During the time that you worked at the North Miami Beach Career Center, your title was Employment Services Supervisor. You were responsible for inputting placements (new hires) into the EFM system, reviewing job orders, tracking various reports and managing a staff of 6 (six) employment consultants.
- You are currently the Chief Operating Officer of Flagrant International Solutions
- Flagrant International Solutions (FIS) is a County vendor and certified small business enterprise (SBE).
- FIS is seeking to utilize the On the Job Training (OJT) program available to small businesses in the County to help subsidize training cost provided by CareerSource South Florida.
- You have therefore inquired whether the two-year prohibition on lobbying would ban you from utilizing the OJT program.

Analysis

The County Ethics Code covers all full-time and part-time personnel directly employed by the County. See RQO 04-48 (County Ethics Code applies to part-time and full-time employees directly hired by the County). Certain contract workers, if designated in a County contract, are subject to the Ethics Code. See INQ 12-86. However, even those designated are not subject to the post employment restrictions found at Section 2-11.1(q). See INQ 12-86.

Section 2-11.1(q) states that “No person who has served as an elected county official, i.e., mayor, county commissioner, or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager, department director, department personnel or employee shall, for a period of two (2) years after his or her county service or employment has ceased, lobby any county officer, department personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect.” (Emphasis added).

The section specifically describes the class of individuals subject to the section’s restrictions. It states the individuals covered by the section are elected county officials, i.e., mayor, county commissioner, or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager, department director, department personnel or employee.

The Ethics Code defines “department personnel” as the “Mayor, his or her department heads, the County Attorney and all Assistant County Attorneys.” See Section 2-11.1 (b)(5). It also defines “employee” as “all other personnel employed by the County.” See Section 2-11.1(b)(6).

Based on the information you have provided, with respect to the work you performed at the County, we find that you would not be subject to the County Ethics Code’s two-year post-employment lobbying restrictions because you did not serve in any of the positions stated as being subject to the section. See INQ 12-86 and INQ 18-103. You were hired by Kelly Services and CNC which assigned you to the North Miami Beach Career Center as a temporary worker/“contract staff” under their contract with the County. Therefore, you were not in the class or individuals subject to the section as you were not directly employed by the County and would therefore, not be considered “department personnel” or an “employee” under the Ethics Code.

Further, the County Ethics Code in Section 2-11.1(b)(13) defines “contract staff” as “any employee and/or principal of an independent contractor, subcontractor (of any tier), designated in a contract with the County as a person who shall be required to comply with the provisions of Subsections 2-11.1 (g), (h), (j), (l), (m), (n), and (o) of the Conflict of Interest and Code of Ethics Ordinance.”

Consequently, Section 2-11.1(q), two-year prohibition on lobbying would not prevent you from utilizing the OJT program, as it is not included in Section 2-11.1(b)(13) provisions of the Ethics Code that contract staff must abide by if designated in a contract with the County as a person who shall be required to comply with the provisions of the Ethics Code. See INQ 12-86

Be aware that this opinion interprets the County Ethics Code only. If any of these facts change, 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: John A. Ramirez [<mailto:john@flagrantsolutions.com>]

Sent: Monday, June 04, 2018 3:48 PM

To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>

Cc: Jenifer Ramirez <jenifer@flagrantsolutions.com>

Subject: Re: Code of Ethics Clarification

This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected emails. Please click here if this is a suspicious message reportspam@miamidade.gov **Enterprise Security Office**

Thank you pleasure was mine, below you will find my answers in bold.

- 1) What timeframe did you work at the North Miami Beach Career Center? **March 9, 2017-October 12, 2017**

- 2) What was your position at the center, and your job duties? **Employment Services Supervisor. I was responsible for inputting placements (new hires) into the EFM system, review Job orders, tracked various reports and managed a staff of 6 employment consultants.**

- 3) During that timeframe who was your employer (who compensated you)? **March 9-June 31, 2017 my paychecks came signed by kelly services. July 1-October 12, 2017 my paychecks came signed by CNC.**

- 4) Who is your current employer? What are your job duties and responsibilities? **Flagrant International Solutions, Inc. I am the Chief Operating Officer. I oversee the hiring and management of non executive staff, I am responsible for the sales and marketing arm which drive revenues for the company.**

- 5) Are you seeking to do business with Miami-Dade County or any of the municipalities? **Yes. We are a SBE and DBE firm with Miami-Dade county. As vendors for the county and the school board we look to provide our goods and services to them.**

- 6) Please provide a good number to reach Mr. Robert Smith at CareerSource South Florida as he did not pick up my call and I could not leave a message. **This is what I have for him:**

Robert Smith
Supervisor, Adult Programs
CareerSource South Florida
7300 Corporate Center Drive Suite 500
Miami, FL 33126
P: 305-929-1540 | F: 305-470-5516
email: robert.smith2@careersourcesfl.com

Thank you for your time, patience and assistance with this matter.

Cordially,

John Alexander Ramirez
Vice President
FLAGRANT INTERNATIONAL SOLUTIONS INC.

[954-804-5150](tel:9548045150) cell
[844-529-0507](tel:8445290507) toll free
www.FlagrantSolutions.com

"Strive for that which is most difficult of attainment"~Walter H. Mazyck

On Jun 4, 2018, at 2:58 PM, Turay, Radia (COE) <Radia.Turay@miamidade.gov> wrote:

Hello Mr. Ramirez,

It was a pleasure speaking with you a few minutes ago. As I indicated, my name is Radia Turay. I am a staff attorney at the Miami-Dade Commission on Ethics and Public Trust. I will assist you with your request for an ethics opinion. Please answer the questions below at your earliest convenience:

- 1) What timeframe did you work at the North Miami Beach Career Center?
- 2) What was your position at the center, and your job duties?
- 3) During that timeframe who was your employer (who compensated you)?
- 4) Who is your current employer? What are your job duties and responsibilities?
- 5) Are you seeking to do business with Miami-Dade County or any of the municipalities?
- 6) Please provide a good number to reach Mr. Robert Smith at CareerSource South Florida as he did not pick up my call and I could not leave a message.

Thanks,
Radia.

From: John A. Ramirez [<mailto:John@flagrantsolutions.com>]
Sent: Thursday, May 31, 2018 5:05 PM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: Code of Ethics Clarification

This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected emails. Please click here if this is a suspicious message reportspam@miamidade.gov **Enterprise Security Office**

Greetings,

My name is John A. Ramirez I was employed at North Miami Beach Career Center operated by Kelly Services a staffing agency from May 9, 2018 to June 31, 2018. I have since moved on and pursued my own business ventures. I am currently looking to hire new staff to work for my company and would like to utilize the On The Job Training (OJT) program available to small businesses in the county to help subsidize training cost provided by Career Source South Florida. The purpose of this email is to ensure that Career Source South Florida and/or myself are not in violation of the county ethics code Section 2-11.1(q) "TWO- YEAR RULE". For your convenience I have attached a copy of the "TWO-YEAR RULE" and a sample case that I believe is similar to my current situation. Thank you for your time and assistance with this matter.

Cordially,

John A. Ramirez
Owner/Chief Operations Officer

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John@flagrantsolutions.com

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“Strive for that which is most difficult in attainment”-Walter H. Mazyck