

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, June 18, 2018 9:21 AM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-147, Edgar Roa, Journeyman Electrician, MDCR (outside employment)
Attachments: Vendor Affidavit roa.pdf; Affidavit roa.pdf

INQ 18-147 Roa

From: Turay, Radia (COE)
Sent: Friday, June 15, 2018 4:41 PM
To: Roa, Edgar (MDCR) <Edgar.Roa@miamidade.gov>; Kirkland, Tina (MDCR) <Tina.Kirkland@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: INQ 18-147, Edgar Roa, Journeyman Electrician, MDCR (outside employment)

Dear Mr. Roa,

You have inquired about possible conflicts of interest between your County employment and your proposed outside employment.

Background

You are employed at the Miami-Dade Corrections and Rehabilitation Department (MDCR), as a Journeyman Electrician. Your County job duties include performing skilled electrical tasks in accordance with standard electrical trade practices; installing, repairing and replacing electric conduit, electrical wire, switches, transformers, electrical panels, fixtures and other electrical equipment for building security and area lighting; and locating and correcting power failures and motor troubles. Your County job requires that you have a license, which is not paid for by the County. You will not use said license in your outside employment.

You are seeking to engage in outside employment as the president and electrical master qualifier of Ertech Engineering Services, Inc. (EES). In your role as president and master qualifier you will perform general electric work on residential properties including replacing lighting fixtures, lamps, receptacles and switches; locating and correcting electrical short circuits; installing smoke detectors; and correcting electrical panel of circuit breaker. You have represented to the COE that you are the sole employee of EES.

EES came up as a County vendor in a vendor name search that was conducted utilizing the Miami-Dade County 5.1 Online Famis system. You have however represented to our office that EES has eliminated its service to Miami-Dade County, and it does not plan to do business with Miami-Dade County in the future. Should EES' position change on this issue, please note that you will need to obtain a separate ethics opinion regarding same, and fill out the form at the link provided below: http://ethics.miamidade.gov/library/forms/county_employee_seeking_to_be_a_county_vendor_2013.pdf

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 or create a conflict between the County employee's public duties and his or her private interests. Conflicting employment can occur when the outside employment is closely related to the employee's public duties and/or where the County

employee deals with the same people or entities in both his/her outside employment and in his/her public position, *e.g.*, similar clients, suppliers, or subcontractors. See COE's Outside Employment Guidelines, November 2017. With respect to government employees engaging in construction related projects, the Ethics Commission has previously opined that an employee could continue outside employment as an owner of a private construction related company where the private company did not contract with the County; did not engage in any work within the County; its subcontractors did not apply for, or were not issued, building permits in the County for any projects associated with the County; it did not have any business relationships with any vendors engaged in construction for the County or reasonably anticipated to engage in construction for the County. See RQO 08-29, RQO 08-45, and INQ 16-234.

After a review of all of the facts presented, it appears 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 for the following reasons:

- EES does not contract and is not seeking to contract with MDCR or the County.
- Your public duties and job functions at MDCR include installing, repairing and replacing electric conduit, electrical wire, switches, transformers, electrical panels, fixtures and other electrical equipment for building security and area lighting on County facilities, while you will perform work solely on residential electric equipment in your outside employment.
- EES performs work solely on residential properties so it is therefore unlikely that you will deal with the same persons or entities in your outside employment that you deal with during your job functions at MDCR.
- Your work with EES involves a small amount of hours and would occur outside of your County hours of employment.

However, please note that certain **limitations will apply**:

- EES cannot have any business relationship with County vendors who are engaged in MDCR projects or are reasonably anticipated to engage in MDCR projects.
- Employees or agents of EES will not apply for, nor be issued, permits in the County. See RQO 08-29, RQO 08-45, and INQ 16-234.
- You may not personally apply for permits relating to any work that EES may perform in Miami-Dade County, municipalities or other counties because these activities would normally be performed during regular business hours and would likely create a conflict between your private interests and your work duties for the County. See Miami-Dade Code §2-11.1(j).
- You may not use County time or resources in the furtherance of your outside employment. See, Miami-Dade Code § 2-11.1(g).
- You are prohibited from using any confidential information acquired as a result of your County employment to derive a personal benefit. See Miami-Dade Code § 2-11.1(h); and
- You cannot represent EES or any of its clients in any matter before the County. See Miami-Dade Code § 2-11.1(m)

Furthermore, we remind you that all county employees engaged in outside employment must obtain permission to engage in that employment on a **yearly** basis. Miami-Dade Code § 2-11, Administrative Procedure 7-1, and Procedure 403. Full-time County employees are also required to file an Outside Employment Statement on a **yearly** basis. See Miami-Dade Code § 2-11.1(k)(2).

This opinion is based on the facts presented. If these facts 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: Roa, Edgar (MDCR)
Sent: Friday, June 15, 2018 7:47 AM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Re: Request for Outside Employment

Good morning Mrs. Turay,

Even Ertech is listed from previous years as a County vendor, we have eliminated our service to Miami Dade County and hereby confirming that we do not plan to do business with Miami Dade County.

Very truly yours,

Edgar Roa

From: Turay, Radia (COE)
Sent: Thursday, June 14, 2018 3:30:30 PM
To: Roa, Edgar (MDCR)
Subject: RE: Request for Outside Employment

Hello Mr. Roa,

Please find attached a printout from Miami-Dade County's vendor system, which has Ertech listed as a County vendor. Please confirm whether Ertech does business with Miami-Dade County.

Thanks,
Radia.

From: Roa, Edgar (MDCR)
Sent: Tuesday, June 12, 2018 7:52 AM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Re: Request for Outside Employment

Good morning Mrs. Turay,

Please find responses to the questions you send me,

1) Please describe the job responsibilities that you will have as president/qualifier of Ertech Engineering Services, Inc (EES)?

Answer: To be sure that any job performed is in compliance with specs and with the National Electrical Code (NEC) and Local Codes.

2) Please indicate for whom EEC will provide services (I.e. county vendor/contractors; the county; municipalities; private individuals)?

Answer: We provide services for private individuals.

3) Please provide the name of any county vendor or contractor that EEC will perform work for?

Answer: None.

4) Does the county vendor of contractor that EEC performs work for have a contract with MDCR?

Answer: N/A

5) Would EEC be servicing that county vendor or contractors contract with MDCR?

Answer: N/A. We do not service contractors.

6) Your request for outside employment form indicates that EEC is a County vendor, please fill out the form at the link

below: http://ethics.miamidade.gov/library/forms/county_employee_seeking_to_be_a_county_vendor_2013.pdf

Answer: EEC at this time declines to be registered as a vendor for Miami Dade County

7) Would you interact with the same government employees/ department in your outside employment as you would in your position at the County?

Answer: No

8) Do you work in a position with the County that you have the opportunity to recruit vendors, contractors, bidders, or members of the public to use your outside employment products or services?

Answer: No

9) Do you need a license to perform the work you do for the County?

Answer: Yes

10) Does the County pay for that license?

Answer: No

11) Would you use the same license in your outside employment?

Answer: No

12) Please provide a telephone number at which I can reach you:

Answer: (786) 412-9934

Sincerely,

Edgar E. Roa
Electrician
Metro West Detention Center

From: Turay, Radia (COE)
Sent: Tuesday, June 5, 2018 11:05:17 AM
To: Roa, Edgar (MDCR)
Subject: Request for Outside Employment

Hello Mr. Roa,

My name is Radia Turay. I am a staff attorney at the Miami-Dade Commission on Ethics. I was assigned to review your request for outside employment to determine whether it presents any conflicts of interest with the County Ethics Code. Please provide responses to the following questions:

- 1) Please describe the job responsibilities that you will have as president/qualifier of Ertech Engineering Services, Inc (EES)?
- 2) Please indicate for whom EEC will provide services (i.e. county vendor/contractors; the county; municipalities; private individuals)?
- 3) Please provide the name of any county vendor or contractor that EEC will perform work for?
- 4) Does the county vendor or contractor that EEC performs work for have a contract with MDCR?
- 5) Would EEC be servicing that county vendor or contractors contract with MDCR?
- 6) Your request for outside employment form indicates that EEC is a County vendor, please fill out the form at the link
below: http://ethics.miamidade.gov/library/forms/county_employee_seeking_to_be_a_county_vendor_2013.pdf
- 7) Would you interact with the same government employees/ department in your outside employment as you would in your position at the County?
- 8) Do you work in a position with the County that you have the opportunity to recruit vendors, contractors, bidders, or members of the public to use your outside employment products or services?
- 9) Do you need a license to perform the work you do for the County?
- 10) Does the County pay for that license?
- 11) Would you use the same license in your outside employment?
- 12) Please provide a telephone number at which I can reach you

Thanks for your anticipated cooperation with this matter.

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



MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT



Request for Outside Employment

2018

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: EDGAR E. ROA	Employee Identification No.: 314372
MDCR Classification/Rank: JOURNEYMAN ELECTRICIAN	Facility/Bureau: METRO WEST DET. CTR. (MWDC)
Job Responsibilities: RESPONSIBLE FOR PERFORMING SKILLED ELECTRICAL TASKS IN ACCORDANCE WITH STANDARD ELECTRICAL TRADE PRACTICES. INSTALLS, REPAIRS AND REPLACES ELECTRICAL CONDUIT, ELECTRICAL WIRE, SWITCHES, TRANSFORMERS, ELECTRICAL PANELS, FIXTURES AND OTHER ELECTRICAL EQUIPMENT FOR BUILDING SECURITY AND AREA LIGHTING. LOCATE AND CORRECT POWER FAILURES AND MOTOR TROUBLES.	

PROPOSED OUTSIDE EMPLOYMENT

Name of Company/Organization: ERTECH ENGINEERING SERVICES, INC.	
Address: 14793 SW 81ST STREET - MIAMI, FL 33193	
Job Title: PRESIDENT & ELECTRICAL MASTER QUALIFIER	
Detailed Description of Duties: ELECTRICAL SERVICE INCLUDING REPLACING LIGHTING FIXTURES, LAMPS, REPECTACLES AND SWITCHES. LOCATE AND CORRECT ELECTRICAL SHORT CIRCUITS. INSTALLATION OF SMOKE DETECTORS AND CORRECTION ON ELECTRICAL PANEL OF CIRCUIT BREAKER'S TAP.	
Work Schedule: SATURDAY	Total Hours Per Week: 2 - 4 HOURS (OFF-DUTY HOURS)

RECEIVED
2018 FEB - 8 A 11: 22
MDCR-PERSONNEL BUREAU
COMMANDER'S OFFICE

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 NO

In my outside employment, I am employed by one of the following types of organizations:

- Company or organization that is not a County Vendor.
- Company or organization that is a County vendor.
(An [Ethics Opinion \(for County Employees\)](#) 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 [Affidavit](#) disclosing such employment with the County Clerk of the Board.)
- 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 [Ethics Opinion \(for County Employees\)](#) form.)
- 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 [Ethics Opinion \(for Relatives of County Employees\)](#) 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

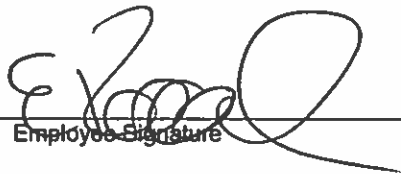


Request for Outside Employment


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

12-26-2017
Date

PRINT NAME	SIGNATURE	DATE	APPROVED	DISAPPROVED
<u>MICHAEL D. GALVIN</u> Facility/Bureau Supervisor		<u>12-26-2017</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____ Personnel Management Bureau Commander	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____ Division Chief	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____ Assistant Director	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____ Department Director	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

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 EDGAR E ROA (Check One):
(Print or Type Name)

Am departmental Personnel (Department Head, County Attorney and Assistant County Attorney) or County employee serving as a(n) ELECTRICIAN in the CORRECTIONS 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 ERTECH ENGINEERING SVCS, INC., a corporation, firm, partnership, or business entity as an QUALIFIER; 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
COUNTY OF Miami Dade

Sworn to (or affirmed) and subscribed before me

this 15th day of April, 2018.

by EDGAR E ROA
(Name of Person Making Statement)



(Signature of Notary Public, State of Florida)



LIANET GUERRA ANDRADE
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF981852
Expires 4/13/2020

Lianet Guerra

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known to me _____ Or Produced Identification

Type of Identification Produced: FL DL

R000-205-56-023-0

MDCR PAYROLL
APR 30 2018 15:0

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