

## Sanchez, Rodzandra (COE)

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**From:** Turay, Radia (COE)  
**Sent:** Wednesday, July 25, 2018 5:14 PM  
**To:** Sanchez, Rodzandra (COE); Diaz-Greco, Gilma M. (COE)  
**Cc:** Perez, Martha D. (COE)  
**Subject:** FW: INQ 18-181, Debra Graham, Division Chief, Miami-Dade Corrections and Rehabilitation Department (Outside Employment)  
**Attachments:** Debra Graham OE Request Form.pdf

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**From:** Turay, Radia (COE)  
**Sent:** Wednesday, July 25, 2018 5:14 PM  
**To:** Graham, Debra (MDCR) <Debra.Graham@miamidade.gov>  
**Cc:** Kirkland, Tina (MDCR) <Tina.Kirkland@miamidade.gov>; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>  
**Subject:** INQ 18-181, Debra Graham, Division Chief, Miami-Dade Corrections and Rehabilitation Department (Outside Employment)

Dear Chief Graham,

You have inquired whether a conflict of interest exists under the Ethics Code between your County employment and your proposed outside employment as a consultant with DBS Environmental Health and Nutritional Consulting, LLC.

### Background

You are the Division Chief for the Regulatory & Compliance Division of Miami-Dade Corrections and Rehabilitation Department (MDCR). Your job responsibilities include supervising the Food Services Bureau; the Compliance, Inspections and Auditing Bureau; and the Office of Performance Improvement and Management.

As the Commander for the Food Services Bureau you oversee the feeding of inmates incarcerated in MDCR facilities, producing an average of 13,000 meals per day. Your duties as Captain of MDCR's Compliance, Inspections and Auditing Bureau include overseeing MDCR's compliance with correctional and accreditation standard; completing monthly facility inspections for safety and security; auditing various functions, such as fire and life safety, key control, security equipment; and reviewing all Uses of Force incidents for trends, commonalities, violations. Your responsibilities regarding MDCR's Office of Performance Improvement and Management include directing and monitoring MDCR's strategic system of quality assurance to ensure the achievement and sustainment of goals and objectives; leading organizational design, development, implementation and management of performance management and quality improvement initiatives and programs to ensure staff and inmate safety and security, increasing operational efficiencies and promote informed decision-making; and data collection, analysis, reporting, and overseeing the management and performance of quality initiatives and programs identifying opportunities for improving performance.

You are seeking to engage in outside employment as a consultant with DBS Environmental Health and Nutritional Consulting, LLC (DBS). In your role as a consultant you will perform menu reviews, menu development, nutritional analysis, environmental inspections, and food safety analysis or inspections. You have represented that DBS provides services upon request to both private and governmental entities. However, DBS is not a County vendor. It does not provide any services to MDCR, nor does it perform any work for MDCR contractors. You have also indicated that you will not interact with the same government employees in your outside employment as you currently do in your County

employment; and you will not have the opportunity to recruit vendors, contractors, bidders, or members of the public to use DBS' products and/or services.

### 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. The County's Administrative Order 7-1 reiterates the general principle that County employees must conduct the public's business without even an appearance of conflicting loyalties: "Under no circumstances shall a County employee accept outside employment...where a real or apparent conflict of interest with one's official or public duties is possible."

The Ethics Commission (COE) has developed guidelines to assist departments in their determinations on whether to approve or deny an outside employment request. The guidelines attached herein provide examples of potential conflicts between an employee's public duties and his duties to his outside employer. Although these guidelines may serve as an aid, final determination as to whether a County employee should engage in the proposed outside employment rests with his or her supervisor. See RQO 04-168; INQ 06-23; INQ 18-24 ("The final decision regarding whether to grant permission to engage in outside employment rests with the department director based on staffing and operational needs of the department; personnel administration and performance issues as well as considerations of whether the outside employment creates a prohibited conflict of interest under the County Ethics Code." See INQ 18-24 (citing to RQO 00-10, RQO 12-07, INQ 12-49 and INQ 13-28).

Generally, the COE Outside Employment Guidelines indicate that 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.

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 because DBS does not contract and is not seeking to contract with MDCR or the County; DBS does not perform any work for MDCR contractors; you will not interact with the same government employees in your outside employment as in your County employment; and you will not have the opportunity to recruit vendors, contractors, bidders, or members of the public to use DBS' products or services.

However, certain limitations would apply: you may not use County time or resources in the furtherance of your outside employment (County Ethics Code § 2-11.1(g)); you are prohibited from engaging in any activity which would require disclosure of confidential information acquired by reason of your official position, and you may not use such information directly or indirectly for your personal gain or benefit (County Ethics Code § 2-11.1(h)); you may not represent DBS in any matter before the County (County Ethics Code § 2-11.1(m); and you may not use your official County position to secure privileges or exemptions for yourself or others (County Ethics Code § 2-11.1(g)).

As a reminder, pursuant to 2-11 of the County Code, County employees are required to request permission to engage in outside employment from their supervisor on a yearly basis. In addition, Section 2-11.1(k)(2) of the County's Ethics Code requires filing a financial disclosure form on a yearly basis.

This opinion is based on the facts presented. 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  
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**From:** Graham, Debra (MDCR)  
**Sent:** Wednesday, July 25, 2018 9:51 AM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Subject:** RE: Outside employment

Good Morning:

Certainly, see below:

**Position:** Division Chief, Regulatory & Compliance Division, Miami-Dade Corrections & Rehabilitation Department

**Responsibilities = Supervision of:**

Commander – Food Services Bureau

The Food Services Bureau is responsible for all feeding of inmates incarcerated in Miami-Dade Corrections & Rehabilitation Department facilities, producing an average of 13,000 meals per day. Includes running one centralized cooking kitchen and three pantries (tray preparations, heating functions, meal delivery). In addition, the Food Services Bureau runs three staff dining areas.

Captain – Compliance, Inspections, & Auditing Bureau

Oversees compliance with correctional and accreditation standards, i.e. Florida Model Jail Standards, American Correctional Association Standards, law, rules, and standards of correction institutions, i.e. Prison Rape Elimination Act, ADA, and Fire and Life Safety standards, etc.. Completes monthly facility inspections for safety & security, audits various functions, such as fire and life safety, key control, security equipment, etc. Reviews all Uses of Force incidents for trends, commonalities, violations, etc.

Sr. Business Analyst - Office of Performance Improvement and Management

Directs and monitors MDCR's strategic system of quality assurance to ensure the achievement and sustainment of goals and objectives. Responsibility for leading organizational design, development, implementation and management of performance management (PM) and quality improvement (QI) initiatives and programs to ensure staff and inmate safety and security, increase operational efficiencies, and promote informed decision-making. Responsible for data collection, analysis and reporting and overseeing the management and performance of quality initiatives and programs and identifies opportunities for improving performance.

Compliance Coordinator

The Compliance Coordinator has administrative responsibility for directing and monitoring compliance with provisions of the Department of Justice (DOJ) Settlement Agreement (SA), Consent Agreement (CA), and Summary Action Plan (SAP), as well as applicable federal, state, and local laws and standards, and accreditation standards. The Compliance Coordinator collaborates with MDCR and CHS to develop and enforce compliance related activities in accordance with established deadlines.

Let me know if you have further questions.



**Debra Graham, MS, RD, LD, REHS/RS, CJM**  
**Division Chief**  
**Miami-Dade Corrections & Rehabilitation Department**  
**Regulatory and Compliance Division**  
**786-263-6199**  
[www.miamidade.gov](http://www.miamidade.gov)  
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**From:** Turay, Radia (COE)  
**Sent:** Tuesday, July 24, 2018 4:42 PM  
**To:** Graham, Debra (MDCR)  
**Subject:** RE: Outside employment

Hello Chief Graham,

It was a pleasure speaking with you a few minutes ago. Can you please provide a brief description of your duties at MDCR. I need to include it in the COE's opinion.

Thanks,  
Radia.

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**From:** Graham, Debra (MDCR)  
**Sent:** Thursday, July 19, 2018 7:40 PM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Subject:** RE: Outside employment

Hello:

Please see responses below. Please also note that my responsibilities in this outside employment capacity do not interact with Miami-Dade Corrections & Rehabilitation Department nor Miami-Dade County. I would not in any capacity perform any responsibilities as part of the outside employment for Miami-Dade County.



**Debra Graham, MS, RD, LD, REHS/RS, CJM**  
**Division Chief**  
**Miami-Dade Corrections & Rehabilitation Department**  
**Regulatory and Compliance Division**  
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**From:** Turay, Radia (COE)  
**Sent:** Thursday, July 19, 2018 4:56 PM  
**To:** Graham, Debra (MDCR)  
**Subject:** Outside employment

Hello Ms. Graham,

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 a consultant with DBS Environmental Health and Nutritional Consulting, LLC?  
Responsibilities involve those that a Registered Dietitian would perform, i.e. menu reviews, menu development, nutritional analysis, and those that a Registered Sanitarian would perform, such as environmental inspections, food safety analysis or inspections, etc.
- 2) Please indicate for whom DBS will provide services (i.e. county vendor/contractors; the county; municipalities; private individuals)?  
DBS may provide services upon request from many different areas, such as private entities providing food service or feeding functions, requests for nutritional analysis, menu planning, etc., inspection services for environmental or food services entities, both private and governmental such as inspections of federally run programs, i.e. ICE facilities. There are no services provided for Miami-Dade County.
- 3) Please provide the name of any county vendor or contractor that DBS will perform work for?  
None
- 4) Does the county vendor or contractor that DBS performs work for have a contract with MDCR?  
This is not applicable, no County vendor or contractor, and no contract with MDCR or Miami-Dade County
- 5) Would DBS be servicing that county vendor or contractors contract with MDCR?  
Not applicable
- 6) Would you interact with the same government employees/ department in your outside employment as you would in your position at the County?  
No, no relation to Miami-Dade County, employees of Miami-Dade County or my position with Miami-Dade County
- 7) 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?  
No
- 8) Do you need a license to perform the work you do for the County?  
For Miami-Dade County, no, but for the outside employment yes, Registered Dietitian and Registered Sanitarian
- 9) Does the County pay for that license?  
No, they do not pay for either license, Registered Dietitian nor Registered Sanitarian
- 10) Would you use the same license in your outside employment?  
I use the Registered Dietitian and Registered Sanitarian license in the outside employment, not a requirement for my job with Miami-Dade County.
- 11) Please provide a telephone number at which I can reach you  
786-251-0978

Thanks for your anticipated cooperation with this matter.

**RADIA TURAY**

Staff Attorney

Miami-Dade Commission on Ethics and Public Trust

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# 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 1<sup>st</sup> 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: Debra Graham	Employee Identification No.: 25156
MDCR Classification/Rank: Division Chief	Facility/Bureau: Regulatory & Compliance Division
Job Responsibilities: MDCR Division Chief, with responsibilities for the Food Services Bureau, Compliance, Inspections and Auditing Bureau, and Office of Performance Improvement and Management.	

MDCR PAYROL  
TH 2 20 15:11

### PROPOSED OUTSIDE EMPLOYMENT

Name of Company/Organization: DBS Environmental Health and Nutritional Consulting, LLC	
Address: 1615 West Pleasant Run Road, DeSoto, TX 75115	
Job Title: Consultant	
Detailed Description of Duties: Provide food service safety and sanitation, dietetics, and/or environmental inspection and consulting services to various locations, i.e. Homeland Security ICE facilities. Inspections, compliance inspections, report writing and documentation.	
Work Schedule: Various	Total Hours Per Week: 50 - 75 hours per year
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)? <input checked="" type="radio"/> YES <input type="radio"/> NO	
In my outside employment, I am employed by one of the following types of organizations:	
<input checked="" type="radio"/> Company or organization that is not a County Vendor.	
<input type="radio"/> Company or organization that is a County vendor. (An <a href="#">Ethics Opinion (for County Employees)</a> 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 <a href="#">Affidavit</a> disclosing such employment with the County Clerk of the Board.)	
<input type="radio"/> 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 <a href="#">Ethics Opinion (for County Employees)</a> form.)	
<input type="radio"/> 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 <a href="#">Ethics Opinion (for Relatives of County Employees)</a> 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.

*D. Graham*

Employee Signature

*6/18/18*

Date

PRINT NAME	SIGNATURE	DATE	APPROVED	DISAPPROVED
<i>N/A</i> Facility/Bureau Supervisor	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
Personnel Management Bureau Commander	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<i>N/A</i> Division Chief	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
<i>N/A</i> Assistant Director	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
Department Director	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>