

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, July 26, 2018 11:54 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: INQ 18-182, Mark Ochoa, Customer Service Representative II, Miami-Dade Water and Sewer Department (outside employment)  
**Attachments:** 2018-06-01 ROE Mark Ochoa.pdf

INQ 18-182 Ochoa

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**From:** Turay, Radia (COE)  
**Sent:** Wednesday, July 25, 2018 5:19 PM  
**To:** Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>  
**Cc:** Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>  
**Subject:** FW: INQ 18-182, Mark Ochoa, Customer Service Representative II, Miami-Dade Water and Sewer Department (outside employment)

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**From:** Turay, Radia (COE)  
**Sent:** Wednesday, July 25, 2018 5:18 PM  
**To:** Ochoa, Mark A. (WASD) <[Mark.Ochoa@miamidade.gov](mailto:Mark.Ochoa@miamidade.gov)>  
**Cc:** Cabrera, Luis (WASD) <[Luis.Cabrera2@miamidade.gov](mailto:Luis.Cabrera2@miamidade.gov)>; Gonzalez, Gary (WASD) <[Gary.Gonzalez@miamidade.gov](mailto:Gary.Gonzalez@miamidade.gov)>; Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>; Murawski, Michael P. (COE) <[Michael.Murawski@miamidade.gov](mailto:Michael.Murawski@miamidade.gov)>  
**Subject:** INQ 18-182, Mark Ochoa, Customer Service Representative II, Miami-Dade Water and Sewer Department (outside employment)

Dear Mr. Ochoa,

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

### Background

You are a Customer Service Representative II at the Miami-Dade Water and Sewer Department (WASD). Your job responsibilities include assisting customers with issues that they may have with WASD through the WASD call center.

You are seeking to engage in outside employment as a referee for Miami Roller Hockey LLC (MRH). MRH is an adult roller hockey league. In your role as a referee, you will provide services for youth and adult constituents from various municipalities throughout the South Florida area. You will not service any contract that MRH has with Miami-Dade County.

You have represented that in your County position, you do not have the authority to approve or disapprove any agreements for services between the County and MRH; you have no involvement in the selection, oversight, or administration of the County contract with MRH; and you have no responsibilities and/or duties at WASD that involve MRH.

### 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.

Based on the facts presented here, we find that your proposed outside employment as a referee is not likely to create conflicting employment because: your public duties as a Customer Service Rep II and your job duties as referee are not closely related; the employment would occur outside of your County hours of employment; and your department does not contract with, oversee, or administer MRH's contract with the County because MRH does not contract with the WASD.

However, we caution that County employees cannot use County time or resources in the furtherance of their outside employment (Miami-Dade Code § 2-11.1(g)); they are prohibited from using any confidential information acquired as a result of their County employment to derive a personal benefit (Miami-Dade Code §2-11.1(h)); and they cannot represent their outside employer in any matter before the County (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. In addition, County employees employed by County vendors must file an Affidavit with the Miami-Dade Clerk of the Courts disclosing employment with that vendor (Miami-Dade Code §2-11.1(f)).

Finally, all **full-time** County Employees who engage in outside employment are required to file an Outside Employment Statement reporting the annual income they received from their outside employment on a yearly basis with the Miami-Dade County Elections Department by noon on July 1. (Miami-Dade Code §2-11.1(k)(2)).

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  
Ethics.miamidade.gov

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**From:** Ochoa, Mark A. (WASD)  
**Sent:** Wednesday, July 25, 2018 8:46 AM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Subject:** RE: Request for an Ethics Opinion - Mark Ochoa E314464 - WASD Customer Service Representative 2

Good morning,

Thank you for reaching out to me, The name of the LLC is Miami Roller Hockey. My responsibilities for the adult roller hockey league is that of a referee. We provide services for youth and adult constituents from varies municipalizes throughout the South Florida area. I currently have no involvement between MRH and the county. MRH does not currently have a contract with WASD. I do not have the same involvement through WASD as I do when I am providing my services to MRH nor does my position offer me the opportunity to provide any services. I may be reached at 305-431-6275 if you have any further questions.

Regards,

Mark

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**From:** Turay, Radia (COE)  
**Sent:** Monday, July 23, 2018 4:38 PM  
**To:** Ochoa, Mark A. (WASD) <[Mark.Ochoa@miamidade.gov](mailto:Mark.Ochoa@miamidade.gov)>  
**Subject:** FW: Request for an Ethics Opinion - Mark Ochoa E314464 - WASD Customer Service Representative 2  
**Importance:** High

Hello Mr. Ochoa,

My name is Radia Turay. I am a staff attorney for the Miami-Dade Commission on Ethics and Public Trust. We were asked to provide a conflict of interest opinion regarding your outside employment request because your proposed outside employer is a County vendor. In order to assist with the process please answer the questions below:

- 1) Please describe the job responsibilities that you will have as a league referee with Miami Dollar Hockey (MDH)?
- 2) Please indicate for whom MDH will provide services (i.e. county vendor/contractors; the county; municipalities; private individuals)?
- 3) Please confirm that you have no involvement in the contract between MDH and the County.
- 4) Does MDH perform work for or have a contract with WASD?
- 5) Would MDH be servicing any county vendor or contractors contract with WASD?
- 6) Would you interact with the same government employees/ department in your outside employment as you would in your position at the 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?
- 8) Please provide a telephone number at which I can reach you

Thanks for your anticipated cooperation with this matter.

## **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](http://Ethics.miamidade.gov)

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**From:** Ethics (COE)  
**Sent:** Monday, July 23, 2018 1:26 PM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>

**Subject:** FW: Request for an Ethics Opinion - Mark Ochoa E314464 - WASD Customer Service Representative 2  
**Importance:** High

Would you be so kind as to handle this matter,

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**From:** Cabrera, Luis (WASD)  
**Sent:** Monday, July 23, 2018 10:17 AM  
**To:** Ethics (COE) <[ethics@miamidade.gov](mailto:ethics@miamidade.gov)>  
**Cc:** Ochoa, Mark A. (WASD) <[Mark.Ochoa@miamidade.gov](mailto:Mark.Ochoa@miamidade.gov)>; Gonzalez, Gary (WASD) <[Gary.Gonzalez@miamidade.gov](mailto:Gary.Gonzalez@miamidade.gov)>  
**Subject:** Request for an Ethics Opinion - Mark Ochoa E314464 - WASD Customer Service Representative 2  
**Importance:** High

This is to request an ethics opinion for the above referenced Outside Employment Request for Mr. Mark Ochoa. Included with the request is the affidavit from Mr. Ochoa attesting compliance with Section 2-11.1 (f).

Please advise if you need any further information.

**Luis Manny Cabrera**, Administrative Officer 3  
Retail Customer Service Administration  
**Miami-Dade Water and Sewer Department**  
3071 SW 38 Avenue, Suite 254-3, Miami, Florida 33146  
786-552-8891 Phone  
786-395-3431 Cell  
[www.miamidade.gov/water](http://www.miamidade.gov/water)  
**Connect With Us** on [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



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# REQUEST FOR OUTSIDE EMPLOYMENT

Sections 2-11.1(j) and (k) of the Miami-Dade County Code provide that 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. Miami-Dade County Administrative Order 7-1 and Procedure 403 require that any County employee intending to engage in outside employment must first obtain approval from his/her Department Director using this Request for Outside Employment form. These 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. Each County department shall also maintain appropriate records regarding outside employment requests. 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 County Code. More detailed information on outside employment is available on the Miami-Dade Commission on Ethics website.

Employee's Name <b>Mark Ochoa</b>	Employee ID Number <b>E314164</b>
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Present County Employment (check one)

<input checked="" type="checkbox"/> County	<input type="checkbox"/> Public Health Trust
Department <b>Miami-Dade Water &amp; Sewer</b>	Position or Title <b>Customer service Rep II</b>
Job Responsibilities (Please also include your work hours/days off and advise if you are on-call) <b>Addressing customer issues via call center</b>	

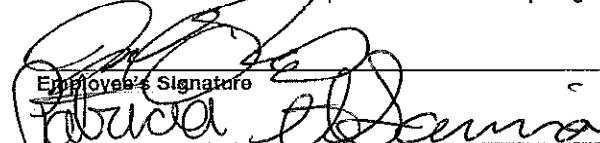
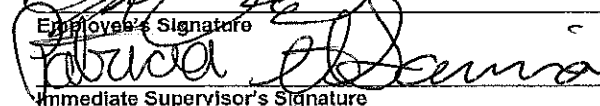
Proposed Outside Employment

Name of Company/ Organization	<b>Miami Roller Hockey</b>
Job Title	<b>League Referee</b>
Responsibilities	<b>officiating adult league games.</b>
Location	<b>9300 SW. 152nd St. Miami, FL, 33157.</b>
Work Schedule	<b>MON-THURS</b>
Total hours per week	<b>1-4 hrs</b>
Will your proposed outside employer release you if and when your services are needed by the County? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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 should be requested to ensure that no conflict of interest exists, and the County employee is 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 request an ethics opinion.)
- 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, ethics opinion is required.)

I affirm that the information I have provided is true and I pledge to abide by the requirements listed here.

 Employee's Signature	<b>06-01-18</b> Date
 Immediate Supervisor's Signature	<b>6/1/18</b> Date
_____ Division Chief's Signature	_____ Date
_____ Deputy Director/Assistant Director (As Needed)	_____ Date
_____ Department Director's Approval	_____ Date

# 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 Mark Ochoa (Check One):  
(Print or Type Name)

Am departmental Personnel (Department Head, County Attorney and Assistant County Attorney) or County employee serving as a(n) Customer Service Rep II in the Water & Sewer Department 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 Miami Roller Hockey LLC, a corporation, firm, partnership, or business entity as an \_\_\_\_\_; 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 miam-dade

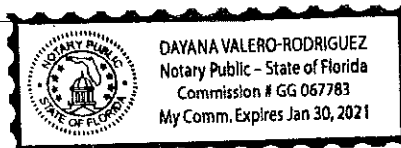
Sworn to (or affirmed) and subscribed before me

this 7<sup>th</sup> day of July, 2018

by Mark Ochoa  
(Name of Person Making Statement)

[Signature]  
(Signature of Notary Public, State of Florida)

Dayana Valero-Rodriguez  
(Print, Type, or Stamp Commissioned Name of Notary Public)



Personally known to me  Or Produced Identification \_\_\_\_\_ Type of Identification Produced: \_\_\_\_\_

**File this form with the Miami-Dade Clerk of the Board at [clerkbcc@miamidade.gov](mailto:clerkbcc@miamidade.gov).**