

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, August 14, 2018 10:34 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: INQ 18-196 Beatriz Lee, Chief, Human Resources Division , Miami-Dade County Parks, Recreation and Open Spaces Department (Outside Employment)

INQ 18-196 Lee

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, August 14, 2018 10:32 AM
To: Lee, Beatriz M. (MDPR) <Beatriz.Lee@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: INQ 18-196 Beatriz Lee, Chief, Human Resources Division , Miami-Dade County Parks, Recreation and Open Spaces Department (Outside Employment)

Dear Ms. Lee:

It has been a pleasure to speak with you over the phone regarding outside employment issues. You asked about possible conflicts of interest regarding an employee who has requested to engage in outside employment working for a company owned by her spouse.

Background

As background, the employee, Alisa Caballero, was previously employed at the County's Public Housing and Community Development department ("PHCD"). While employed at PHCD she requested an opinion from the COE regarding any limitations that her spouse's plumbing company ("Company") might have under the County Ethics Code to subcontract with a County vendor subject to PHCD's oversight. The COE decision determined that her spouse's Company was not prohibited from entering subcontracts with a County vendor subject to PHCD's oversight, but that none of Ms. Caballero's job duties at PHCD could involve the oversight of the subcontract or the certification of her spouse's Company because the County Ethics Code prohibits employees from taking actions that that would directly or indirectly affect an immediate family member's privately-owned business. See RQO 18-02, and Miami-Dade Code §2-11.1(n).

Subsequently, Ms. Caballero transferred from PHCD to a position at the County Parks, Recreation and Open Spaces Department (PROS) as an Administrative Officer 3. You advise that her current job duties involve administrative duties but do not include PROS vendor selection or administration of PROS contracts. You also advise that her husband's plumbing company does not contract with PROS or subcontract with any vendors subject to PROS's oversight or administration. Ms. Caballero has now requested to engage in outside employment with her spouse's Company.

In addition to clarification on the previous opinion that the COE gave Ms. Caballero discussed above, you are also asking whether she would have any prohibited ethics conflicts in engaging in outside employment with her husband's company.

Analysis

The County Ethics Code permits a County employee to engage in outside employment with the employee's privately-owned company, or a company owned by the employee's immediate family member, provided that certain limitations are observed to ensure that such employment does not create any conflicts of interest

enumerated in the County Ethics Code. Thus, her outside employment at her spouses' Company would be subject to the following restrictions and limitations set out in the County Code as well as other County ordinances, procedures and administrative orders. These include the following:

- 1- Employee must complete outside employment paperwork on a yearly basis.
- 2- A County employee cannot engage in other employment that would impair the employee's independence of judgement in the performance of his or her duties. This means that the employee must avoid conflicts between her private interests and her public duties. It includes the prohibition on the use County time or resources such as emails, etc. to further her outside employment interests or the interests of her spouse's company. *See* Miami-Dade Code 2-11, Miami- Dade AO 7-1 and Miami-Dade Procedure 403.
- 3- A County employee or his or her immediate family member may enter into contracts with the County through the employee's or the family member's privately-owned company **provided that** the employee is **not involved in the selection oversight or management of the contract and that the contract is not with the department where the employee works**. In this case it means that the Company owned by Ms. Caballero's spouse cannot enter into contracts with PROS for the duration of her employment at PROS. If the Company seeks to contract with the County in the future, an ethics opinion would be required. The form can be found at:
http://ethics.miamidade.gov/library/forms/relative_of_county_employee_seeking_to_be_a_county_vendor_2013.pdf. (With respect to subcontracting with a PROS vendor, per COE opinion 18-02 previously provided to Ms. Caballero, she would be prohibited from any involvement in any administration or oversight of the subcontract.)
- 4- The County Ethics Code prohibits County employees from appearing before any County board or agency representing a third party. This means that Ms. Caballero is prohibited from lobbying or appearing before any County agency to represent her spouse's Company. *See* RQO 13-10 (Current County employees, under Sec. 2-11.1 (m)(1) of the County Ethics Code, may not engage in **any discussions whatsoever** with officials, directors or staff of County government on behalf of third parties). Therefore, appearances, representations, or lobbying on behalf of the spouse's company before the County or any of its agencies would have to be delegated to another employee of the spouse's company, not to Ms. Caballero.
- 5- The County employee may not use her County position to secure special privileges or exemptions with respect to any dealings between her private employer and the County; and she may not disclose any confidential information obtained because of County employment to any outside employer. Miami-Dade Code §§ 2-11.1(g) and (h).

This opinion is based on the facts presented to the COE, if these facts change, please contact us. If you have any additional questions, please do not hesitate to contact me at (305)350-0638.

Cordially,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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Miami, FL 33130
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www.facebook.com/MiamiDadeEthics

From: Lee, Beatriz M. (MDPR)
Sent: Tuesday, July 24, 2018 3:28 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: RE: RQO 18-02

Ok. I will be here...thanks again!

Connecting People and Parks for Life

Beatriz Lee, Chief, Human Resources Division
Miami-Dade County Parks, Recreation and Open Spaces Department
275 NW 2nd Street, Third Floor, Miami, FL 33128
Tel.: (305) 755-7866
Fax: (305) 755-7962
bmlee@miamidade.gov
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From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, July 24, 2018 3:27 PM
To: Lee, Beatriz M. (MDPR) <Beatriz.Lee@miamidade.gov>
Subject: RE: RQO 18-02

I'll call you in the afternoon-

From: Lee, Beatriz M. (MDPR)
Sent: Tuesday, July 24, 2018 3:26 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: RE: RQO 18-02

Yes, of course. Thanks!

Connecting People and Parks for Life

Beatriz Lee, Chief, Human Resources Division
Miami-Dade County Parks, Recreation and Open Spaces Department
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From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, July 24, 2018 3:25 PM
To: Lee, Beatriz M. (MDPR) <Beatriz.Lee@miamidade.gov>
Subject: RE: RQO 18-02

Hi Beatriz:

I am completing some opinions – can we speak tomorrow?

Thanks,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Lee, Beatriz M. (MDPR)
Sent: Tuesday, July 24, 2018 3:07 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: RE: RQO 18-02

Hi Gilma,

Thank you for your kind assistance. Yes and yes. Please let me know when it's a good time to call you. Thanks again...

Connecting People and Parks for Life

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Miami-Dade County Parks, Recreation and Open Spaces Department
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From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, July 24, 2018 3:00 PM
To: Lee, Beatriz M. (MDPR) <Beatriz.Lee@miamidade.gov>
Subject: RE: RQO 18-02

Ms. Lee:

Michael Murawski referred this question to my attention. Just to clarify, is it Ms. Caballero that is seeking to engage in outside employment with her husband's company? Does that company serve as a contractor or subcontractor for MDPR?

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Murawski, Michael P. (COE)
Sent: Tuesday, July 24, 2018 2:50 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: FW: RQO 18-02
Importance: High

Mimi:

I believe you worked extensively on this opinion, can you contact Ms. Lee and find out the details about the proposed o/s employment

From: Lee, Beatriz M. (MDPR)
Sent: Tuesday, July 24, 2018 2:10 PM
To: Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>
Subject: FW: RQO 18-02

Hello Mr. Murawski,
I hope you are well.

I had a question regarding the attached opinion. Alisa is now working for us as an Administrative Officer 3 and I wanted to get additional information regarding the limitation imposed by the attached. The reason for the concern is that she has requested approval to engage in outside employment in her husband's company.

Would you be able to spare a moment to discuss this issue? Thanks!

Connecting People and Parks for Life

Beatriz Lee, Chief, Human Resources Division
Miami-Dade County Parks, Recreation and Open Spaces Department
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From: Caballero, Alisa L (MDPR)
Sent: Tuesday, July 24, 2018 2:04 PM
To: Lee, Beatriz M. (MDPR) <Beatriz.Lee@miamidade.gov>
Cc: Morgan, Tom (MDPR) <Tom.Morgan@miamidade.gov>; Richard, Mark (MDPR) <Mark.Richard@miamidade.gov>
Subject: FW: RQO 18-02

Please see the attached opinion.



Alisa L. Caballero
Administrative Officer 3
Regional Parks Division, AD Barnes Park
Park, Recreation and Open Spaces (PROS)
3701 SW 70th Avenue
Miami, Florida 33155-3718
Phone: 305-755-5473



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From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, February 23, 2018 9:40 AM
To: Caballero, Alisa L (PHCD) <Alisa.Caballero@miamidade.gov>
Cc: Liu, Michael (PHCD) <mliu88@miamidade.gov>; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>
Subject: RQO 18-02

Dear Ms. Caballero:

Attached please find the response to your inquiry which was heard by the Commission on Ethics on February 14, 2018. We understand and advised the Commission that actions have already been taken by PHCD to ensure no conflicts of interest in this matter.

Please do not hesitate to contact us if we may be of further assistance.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust

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From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, February 20, 2018 3:37 PM
To: Caballero, Alisa L (PHCD) <Alisa.Caballero@miamidade.gov>
Cc: Liu, Michael (PHCD) <mliu88@miamidade.gov>
Subject: RE: There are County Funds RE: Ethics Opinion - Alisa L. Caballero (Liberty Square)

Good afternoon Alisa:

The Ethics Commission heard this matter on February 14, 2018 and approved the staff recommendations set out in the memo. We advised the Commission that PHCD has already taken steps that meet with the recommendations. The opinion sets out the Code requirements for purposes of precedent and clarity. I am working on completing the RQO letter and will send it shortly.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, February 09, 2018 3:56 PM
To: Caballero, Alisa L (PHCD) <Alisa.Caballero@miamidade.gov>
Cc: Liu, Michael (PHCD) <mliu88@miamidade.gov>
Subject: RE: There are County Funds RE: Ethics Opinion - Alisa L. Caballero (Liberty Square)

Good afternoon Alisa:

As we discussed, this matter was submitted to the Commission on Wednesday, February 7, before the receipt of your email. Please see attached memo.

The matter will be reviewed by the Commission at the February meeting which takes place on February 14 at 10 am. Please advise if you or a PHCD representative will attend or if you have any further comments. I will advise the Commission that steps have already been taken by PHCD that meet the recommendation in the memo.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, February 08, 2018 4:03 PM
To: Caballero, Alisa L (PHCD) <Alisa.Caballero@miamidade.gov>
Subject: Re: There are County Funds RE: Ethics Opinion - Alisa L. Caballero (Liberty Square)

Alisa:

Thank you for the update. I am out the office today conducting outreach. However, the matter of subcontracting was submitted to the COE for a decision. The COE meeting is next Wednesday at 10:00 am. It has been a general issue that required clarification and this is an opportunity to do so. I'll send you a copy of the memo tomorrow. I can advise the commission that the recommended steps have already been taken. It will clarify that your husband's company has no conflicts of interest in bidding on sub contracts with County vendors.

Best,

Mimi

From: Caballero, Alisa L (PHCD)
Sent: Thursday, February 8, 2018 1:55 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: RE: There are County Funds RE: Ethics Opinion - Alisa L. Caballero (Liberty Square)

Hi Mimi:

As of today, I no longer supervise Mr. Rendon nor the Davis Bacon and Section 3 program. A management decision was made and these functions moved to Ms. Jacqueline Dana, Compliance Manager.

Thanks.



Alisa L. Caballero
Quality and Assurance Officer
Administrative Services Division
Public Housing and Community Development
701 NW 1st Court, 16th Floor
Miami, Florida 33136
Phone: 786-469-4100 (Reception)
786-469-2168 (Direct)
Fax: 786-469-2129 (Right Fax)



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From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, February 02, 2018 11:42 AM
To: Caballero, Alisa L (PHCD) <Alisa.Caballero@miamidade.gov>
Subject: RE: There are County Funds RE: Ethics Opinion - Alisa L. Caballero (Liberty Square)

Good morning Alisa:

Thanks for your answer to question below which I highlighted . I have already described your job duties with respect to Section 3 certification, but need a brief statement of your overall job duties as a Quality and Assurance officer.

Please detail your County job responsibilities, if any, over this project's contractual requirements particularly, the Section 3 reporting requirements. (Please describe the Section 3 reporting requirements.) Train and collect new hire information from GCs and subcontractors working on PHCD construction. We compile this information and provide to HUD annually. If a contractor/sub has a need to hire personnel to perform on a federal project, then Section 3 requires a contractor/sub to hire low-income

individuals living in Miami-Dade or in the immediate neighborhood the work is being performed in, to the greatest extent feasible (24 CFR Part 135).

In addition, we are responsible for certifying Section 3 businesses. Certification allows County vendors who are bidding on PHCDs jobs, to obtain preferences in County bids. Caballero Plumbing is not a County vendor nor will be one in the near future.

Thanks,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Caballero, Alisa L (PHCD)
Sent: Wednesday, January 24, 2018 1:39 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: RE: There are County Funds RE: Ethics Opinion - Alisa L. Caballero (Liberty Square)

See below. Thanks.



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From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, January 24, 2018 1:16 PM
To: Caballero, Alisa L (PHCD) <Alisa.Caballero@miamidade.gov>
Subject: RE: There are County Funds RE: Ethics Opinion - Alisa L. Caballero (Liberty Square)

Alisa:

Please see additional questions in red:

- 3- Please detail your County job responsibilities, if any, over this project's contractual requirements particularly, the Section 3 reporting requirements. (Please describe the Section 3 reporting requirements.) Train and collect new hire information from GCs and subcontractors working on PHCD construction. We compile this information and provide to HUD annually. If a contractor/sub has a need to hire personnel to perform on a federal project, then Section 3 requires a contractor/sub to hire low-income individuals living in Miami-Dade or in the immediate neighborhood the work is being performed in, to the greatest extent feasible (24 CFR Part 135).

Would you or Mr. Rendon be responsible for any type of oversight, administration selection of Caballero Plumbing with any aspect of the Section 3 requirements? Yes, Mr. Rendon has direct oversight.

In addition, we are responsible for certifying Section 3 businesses. Certification allows County vendors who are bidding on PHCDs jobs, to obtain preferences in County bids. Caballero Plumbing is not a County vendor nor will be one in the near future.

Would you or Mr. Rendon be responsible for certifying Caballero Plumbing? Yes, Mr. Rendon has direct oversight. In this process, I only get involved if clarification of supporting documentation is needed on an application. Mr. Rendon's oversight of the certification process is approximately 97%.

From: Caballero, Alisa L (PHCD)
Sent: Wednesday, January 24, 2018 12:37 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: FW: There are County Funds RE: Ethics Opinion - Alisa L. Caballero (Liberty Square)

See modification below. Our director states that there are County funds involved.



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From: Liu, Michael (PHCD)
Sent: Wednesday, January 24, 2018 12:32 PM
To: Caballero, Alisa L (PHCD) <Alisa.Caballero@miamidade.gov>
Subject: There are County Funds RE: Ethics Opinion - Alisa L. Caballero (Liberty Square)

Ms. Caballero: County funds (GOB) are involved, along with federal and state funds.

Michael Liu

Michael Liu
Director
Miami-Dade County Dept. of Public Housing
& Community Development
701 NW 1st Ct., 16th Flr.
Miami, FL 33136
786-469-4106

From: Caballero, Alisa L (PHCD)
Sent: Wednesday, January 24, 2018 12:17 PM
To: Liu, Michael (PHCD) <mliu88@miamidade.gov>
Subject: FW: Ethics Opinion - Alisa L. Caballero (Liberty Square)

Mr. Liu:

My husband's company submitted a bid for plumbing on the Liberty Square project. When he informed me of the news I requested an opinion from the Commission on Ethics to ensure that I will not be violating any rules

and regulations if I have to get involved in this project. The details are below. I wanted to inform you of possible conflict and the progress of this opinion.

If you have any questions, please let me know.



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From: Caballero, Alisa L (PHCD)
Sent: Tuesday, January 23, 2018 4:05 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: RE: Ethics Opinion - Alisa L. Caballero (Liberty Square)

Hi Mimi:

Below are my responses. If you need additional information, let me know. Thanks.



Alisa L. Caballero
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From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, January 23, 2018 3:24 PM
To: Caballero, Alisa L (PHCD) <Alisa.Caballero@miamidade.gov>
Subject: FW: Ethics Opinion - Alisa L. Caballero (Liberty Square)

Good afternoon Alisa:

I have been working on your opinion. I have some follow up questions-

- 1- What is the name of the general contractor in this project? Fortune Urban
- 2- Does that general contractor have a contract with RUDG, LLC or directly with PHCD? The GC has a contract with RUDG.
- 3- Which company would Caballero plumbing be a subcontractor for? Fortune Urban
- 4- Is Liberty Square funded with County funds? Federal and State (no County funds to my knowledge).
- 5- Please detail your County job responsibilities, if any, over this project's contractual requirements particularly, the Section 3 reporting requirements. (Please describe the Section 3 reporting requirements.) Train and collect new hire information from GCs and subcontractors working on PHCD construction. We compile this information and provide to HUD annually. If a contractor/sub has a need to hire personnel to perform on a federal project, then Section 3 requires a contractor/sub to hire low-income individuals living in Miami-Dade or in the immediate neighborhood the work is being performed in, to the greatest extent feasible (24 CFR Part 135).

In addition, we are responsible for certifying Section 3 businesses. Certification allows County vendors who are bidding on PHCDs jobs, to obtain preferences in County bids. Caballero Plumbing is not a County vendor nor will be one in the near future.

- 6- You advise that Section 3 is part of this project and is now under your purview, but is completed by Mr. Jorge Rendon, PHCD Compliance reviewer. Are you Mr. Rendon's supervisor or would you oversee his work? I supervise Mr. Rendon.
- 7- Would you have any oversight on any projects that Caballero Plumbing would be performing? No

Please advise and thank you.

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, January 09, 2018 11:40 AM
To: Caballero, Alisa L (PHCD) <Alisa.Caballero@miamidade.gov>
Subject: RE: Ethics Opinion - Alisa L. Caballero (Liberty Square)

Good morning Alisa:

I will review this and do some research. I'll contact you if I have any further questions.

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Caballero, Alisa L (PHCD)
Sent: Tuesday, January 09, 2018 10:49 AM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Cc: Cibrán, Jorge (PHCD) <Jorge.Cibrán@miamidade.gov>; Rodríguez, Jose (PHCD) <Jose.Rodriguez9@miamidade.gov>
Subject: Ethics Opinion - Alisa L. Caballero (Liberty Square)

Hi Mimi:

I need to get an Ethics Opinion regarding my husband's company (Caballero Plumbing) may be working on a Public Housing project in the near future as a subcontractor. The project is Liberty Square. I need an opinion from the Commission to ensure that there is no conflict of interest involved if he is awarded the plumbing contract for this project. The developer is RUDG and there is a general contractor also involved. The supervisor of this project is Jorge Cibran, Director of the Development Division and Jose Rodriguez, Construction Manager 3.

I do not monitor this project's contractual requirements except for Section 3 reporting requirements. Section 3 is part of this project and is now under my purview, but is completed by Mr. Jorge Rendon, PHCD Compliance reviewer.

This is similar to INQ 13-69 I had previously inquired about. Please provide your opinion as soon as you can.



Alisa L. Caballero
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