

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Monday, August 20, 2018 9:48 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** INQ 18-203, Stefany Tomas, Miami-Dade TV Producer, Miami-Dade Communications Dept. ( Outside Employment)

INQ 18-203 Tomas

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Monday, August 20, 2018 9:45 AM  
**To:** Tomas, Stefany (COM) <Stefany.Tomas@miamidade.gov>  
**Cc:** Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Hinchey, Shawn A. (COM) <Shawn.Hinchey@miamidade.gov>; Pradel, Zenaida (COM) <Zenaida.Pradel@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>  
**Subject:** INQ 18-203, Stefany Tomas, Miami-Dade TV Producer, Miami-Dade Communications Dept. ( Outside Employment)

Dear Ms. Tomas:

You asked about possible conflicts of interest between your County employment and your proposed outside employment with your privately-owned business involving yoga instruction.

### Background

As background, you are employed at the Miami-Dade Communications department (COM) as a TV producer. Your job duties include developing, writing and producing audio/video projects such as television and radio commercials, documentaries, news programs, studio talk shows, informational programs, and marketing presentations for all the Miami-Dade County departments and elected officials. While your duties comprise the creation and execution of County videos and radio spots, they do not include the function of shooting videos or photos. In addition, you are involved in developing, creating and executing County social media content for all platforms (Twitter, Facebook, Instagram and YouTube). Other than one video which you produced in the past, highlighting a yoga studio that was awarded a Mom and Pop grant administered by the County, your job duties do not include working with yoga studios or fitness studios in Miami-Dade County.

You have clarified the information that you provided in your outside employment permission form and have stated that you are seeking to engage in outside employment through your private business providing yoga instruction to individuals; developing, shooting, and doing voiceovers for yoga instructional videos; and shooting yoga promotional photographs. You advise that this work would occur in the evenings and on weekends, outside of your hours of County employment, and that it will mostly take place in Broward County, where you reside. You have purchased all the equipment required for the operation of your business.

### 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 creates a conflict between the County employee's public duties and his or her private interests. Based on the facts presented here, and after discussing this matter with your supervisor, we concur with

him that your proposed outside employment operating a private yoga instruction business is not likely to create conflicting employment for the reasons listed below.

- Your public duties as a Television producer with the COM department of County related videos, radio programs, and social media does not involve frequent contacts with yoga studios nor does it involve teaching yoga or fitness classes. Therefore, your County duties and you're the duties of your outside employment are not closely related. *See* COE Outside Employment Guidelines (2017).
- Conflicts re also unlikely because your County job duties and your operating a yoga instruction business will not likely cause you to come into contact with the same or similar people or entities in both your outside employment and your public duties. *See* COE Outside Employment Guidelines (2017).
- Your outside employment would occur outside of your County hours and mostly outside of Miami-Dade County. *See* COE Outside Employment Guidelines (2017).
- You have purchased the equipment necessary to run your private yoga business and no equipment used in your County work would be necessary for your outside employment. *See* COE Outside Employment Guidelines (2017).

However, please note that the following **limitations** would apply:

- You may not use County time or resources to promote, market or to operate your private yoga business. (Miami-Dade Code § 2-11.1(g), Miami-Dade Code 2-11 and AO No. 7-1.)
- You may not use any confidential information acquired because of your County employment to derive a personal benefit such as promoting or marketing your business. (Miami-Dade Code § 2-11.1(h));
- You may not represent your private company in any matter before the County (Miami-Dade Code § 2-11.1(m)).
- If your company were to seek to enter into contracts with Miami-Dade County, the company would be prohibited from entering into contracts with the COM department which employs you. If you were to seek to transact business with the County in the future, you would be required to obtain an ethics opinion. The form can be found at: [http://ethics.miamidade.gov/library/forms/county\\_employee\\_seeking\\_to\\_be\\_a\\_county\\_vendor\\_2013.pdf](http://ethics.miamidade.gov/library/forms/county_employee_seeking_to_be_a_county_vendor_2013.pdf).
- If the COM department were to produce other videos involving yoga studios in the future, you should not be assigned to that project.

Lastly, we remind you that all County employees engaged in outside employment must complete the outside employment paperwork on a **yearly basis**

This opinion is based on the facts presented. If these facts change or if you have any further questions, please contact us.

Cordially,

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:** Thursday, August 16, 2018 1:51 PM  
**To:** Tomas, Stefany (COM) <[Stefany.Tomas@miamidade.gov](mailto:Stefany.Tomas@miamidade.gov)>  
**Subject:** RE: Outside Employment Request

Ok – thanks so much.

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**From:** Tomas, Stefany (COM)  
**Sent:** Thursday, August 16, 2018 1:50 PM  
**To:** Diaz-Greco, Gilma M. (COE) <[Gilma.Diaz-Greco@miamidade.gov](mailto:Gilma.Diaz-Greco@miamidade.gov)>  
**Subject:** Re: Outside Employment Request

Yes- voiceovers for yoga videos if they needed it but most clients prefer to voice themselves. Some want me to do it like if they have accents. Then yoga photography mainly. Pretty much everything will be yoga and/or fitness related.

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**From:** Diaz-Greco, Gilma M. (COE) <[gilma.diaz-greco@miamidade.gov](mailto:gilma.diaz-greco@miamidade.gov)>  
**Sent:** Thursday, August 16, 2018 1:49 PM  
**To:** Tomas, Stefany (COM)  
**Subject:** FW: Outside Employment Request

With respect to voiceovers highlighted below- would that be for the yoga videos and is the photography, yoga related, or just general photography of private clients?

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**From:** Tomas, Stefany (COM)  
**Sent:** Thursday, August 16, 2018 1:09 PM  
**To:** Diaz-Greco, Gilma M. (COE) <[Gilma.Diaz-Greco@miamidade.gov](mailto:Gilma.Diaz-Greco@miamidade.gov)>  
**Subject:** Re: Outside Employment Request

His name is Shawn Hinchey, I don't believe he feels there will be any conflicts but you may contact him yourself to speak in further detail.

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**From:** Diaz-Greco, Gilma M. (COE) <[gilma.diaz-greco@miamidade.gov](mailto:gilma.diaz-greco@miamidade.gov)>  
**Sent:** Thursday, August 16, 2018 1:04 PM  
**To:** Tomas, Stefany (COM)  
**Subject:** RE: Outside Employment Request

Stefany:

Thank you- I am preparing a response on this matter and will let you know if I have any additional questions. We usually include language in the response regarding whether the supervisor believes there will be any conflicts. Have you discussed this with your supervisor? What is his or her name?

Cordially,

Gilma (Mimi) Diaz-Greco  
Staff Attorney



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**From:** Tomas, Stefany (COM)  
**Sent:** Thursday, August 16, 2018 10:43 AM  
**To:** Diaz-Greco, Gilma M. (COE) <[Gilma.Diaz-Greco@miamidade.gov](mailto:Gilma.Diaz-Greco@miamidade.gov)>  
**Subject:** Outside Employment Request

Hi Mimi,

Here is the request I placed for outside employment. I called it PR and Marketing instead of Video Producer since it would be kind of all encompassing (producing, writing, creating, social media, etc.)

So, like I mentioned on the phone – the main focus will be creation of educational videos / promotional videos for Yoga Studios in Broward County and some in Miami-Dade. I do live in Broward County so because of that, most of my work will reside there since it's just more convenient for me on the weekends and evenings.

My clients will consist of mostly yoga instructors, yoga studios and other similar fitness related businesses. The most requested service is fitness class videos and promotional photos, so that will be most of the work I do for them. Currently in my position at the County, I do not shoot video/photos or edit, my County position deals more with creation and execution (writing, making sure shoots go well, overseeing edits, etc.) and I do own my own equipment and editing software.

I added radio spots into the employment request in the event that anyone would want some sort of voiceover/ audio recordings – I would be able to do that. I'm just trying to cover all my bases in the form so that I can get that approved each year and not worry about it. It doesn't mean I will actually do all these things but in the event that it comes up, I want to know I'm ok to proceed with a client.

Please let me know if this suffices. I'm happy to clarify anything else for you.

Thank you,

**Stefany Tomás**, Miami-Dade TV Producer  
**Miami-Dade County Communications Department**  
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