

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, September 05, 2018 3:17 PM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-213, Lt. Richard Rodriguez, Special Asst. to the Fire Marshal, City of Miami (outside employment)

INQ 18-213 Rodriguez

From: Turay, Radia (COE)
Sent: Wednesday, September 05, 2018 2:38 PM
To: 'Rodriguez, Richard' <rirodriguez@miamigov.com>
Cc: 'GWysong@miami-police.org' <GWysong@miami-police.org>
Subject: INQ 18-213, Lt. Richard Rodriguez, Special Asst. to the Fire Marshal, City of Miami (outside employment)

Dear Lt. Rodriguez,

You inquire whether a conflict of interest exists between your proposed outside employment and your position as Special Assistant to the Fire Marshal, Department of Fire Rescue, in the City of Miami. Your request for outside employment was denied by your department director.

With regard to the denial or approval for outside employment, the Ethics Commission has clarified that the final decision to grant an employee permission to engage in outside employment rests with the employee's department director. Such decisions may be based on staffing needs, departmental policies, collective bargaining agreements, personnel issues, performance issues, conflicts of interest, etc. *See* RQO 00-10, RQO 12-07, INQ 18-24, INQ 18-212.

Although this office may assist your department director from the perspective of whether there is a legal conflict between your outside employment and your municipal duties, final determination as to whether you should engage in outside employment rests with him or her and *this office will not interfere with your Department's decision. See* INQ 17-48 and INQ 18-212.

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

From: Rodriguez, Richard [<mailto:rirodriguez@miamigov.com>]
Sent: Friday, August 17, 2018 7:06 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: Opinion for employment

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Radia, thank you and see you then.

Lt. Richard Rodriguez

Special Asst. to the Fire Marshal

DEPARTMENT OF FIRE-RESCUE / Fire Prevention Division

444 S.W. 2nd Avenue, Miami, FL 33130-1910

(305) 416-1628 Fax: (305) 416-1665

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From: Turay, Radia (COE) [<mailto:Radia.Turay@miamidade.gov>]
Sent: Friday, August 17, 2018 1:24 PM
To: Rodriguez, Richard
Subject: RE: Opinion for employment

Wednesday at 11am works great for me. See you then!

From: Rodriguez, Richard [<mailto:rirodriguez@miamigov.com>]
Sent: Friday, August 17, 2018 8:09 AM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: Opinion for employment

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Radia, if your available Monday 8am or Wednesday at 11am. If neither I can give more dates/times. Thank you.

Lt. Richard Rodriguez

Special Asst. to the Fire Marshal

DEPARTMENT OF FIRE-RESCUE / Fire Prevention Division
444 S.W. 2nd Avenue, Miami, FL 33130-1910
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From: Turay, Radia (COE) [<mailto:Radia.Turay@miamidade.gov>]
Sent: Thursday, August 16, 2018 3:02 PM
To: Rodriguez, Richard
Subject: RE: Opinion for employment

Sure. I am available anytime Monday – Thursday of next week. Let me know what works best for you.

From: Rodriguez, Richard [<mailto:rirodriguez@miamigov.com>]
Sent: Thursday, August 16, 2018 2:13 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Re: Opinion for employment

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Radia, my # is 305 586 1000. With your permission i would like to speak in person on a date/time that is acceptable to you. Thank you.

----- Original message -----

From: "Turay, Radia (COE)" <Radia.Turay@miamidade.gov>
Date: 8/16/18 1:47 PM (GMT-05:00)
To: "Rodriguez, Richard" <rirodriguez@miamigov.com>
Subject: RE: Opinion for employment

Hello Mr. Rodriguez,

My name is Radia Turay. I am a staff attorney at the Miami-Dade Commission on Ethics and Public Trust. I was assigned to assist you with your request for an ethics opinion. Please provide a direct telephone number at which I can reach you as I need to speak to you in order to gather more information regarding this inquiry.

Thanks,

Radia.

From: Rodriguez, Richard [<mailto:rirodriguez@miamigov.com>]
Sent: Tuesday, August 14, 2018 7:32 AM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: Opinion for employment

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Esteemed Ethics Committee members, I am seeking opinion of my request for outside employment with the City of Miami. My question will have 3 parts as followed by the background information.

Background

My position is Special Assistant to the Fire Marshal for the City of Miami Fire Department. My position description/duties is as follows:

1. Responsible to the Fire Marshal
2. Advise and assist on all technical, administrative and legislative matters.
3. Develop, implement and coordinate in house training programs for Fire Prevention personnel.
4. Work on special projects as required by the Fire Marshal.

I am not responsible for approving any plans submitted for construction nor am I a plan reviewer for any plans. I am not allowed to perform inspections, as I was required to sign an internal acknowledgement letter when my duties were refigured. My job entails in meeting with the Fire Marshal and developers, architects, engineers, etc., when there is a lifesafety/fire code concern. I provide interpretation of the Codes to the Fire Marshal for him to make a determination of what the Code will be and what he will or will not accept for any given project that is to follow Code.

Opinion inquiry

I am seeking guidance on a business I would like to commence. I am seeking to start a consulting business that would provide the following main services. Part one of the business plan is to be able to advise developers, owners, architects on any issue related to lifesafety / fire code matters. This would involve reviewing plans prior to submittal to a municipality for Florida Fire Prevention Code and Florida Building Code violations so that issues within the plans can be resolved early before they are submitted to a municipality for approval. Part two of services to be offered is to perform preinspections of life safety systems before the inspections are called to the local jurisdiction to inspect. The purpose is to find shortfalls prior to those inspections. Part three of services would deal with the installation of in-building emergency communication systems. These systems would get the signal of a local municipality's radio signal for fire and police communication and distribute the signal within a structure for effective communication. I would be performing work afterhours and on days off. Nothing from my municipality would be used to render business. The intention is to conduct business outside of the City of Miami area, unless the Committee deems that working within the City of Miami is not a conflict. If deemed not a conflict then I would perform my services within my jurisdiction as well and outside of business hours with no use of City equipment or on City property. Please advise if all three parts can be conducted without conflict if not all three which parts can be conducted without conflict if any. Kind regards, Richard Rodriguez