

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, September 25, 2018 2:04 PM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-220, Rene Guevara, Plumber, Miami-Dade Aviation Dept. (Outside Employment)
Attachments: Guevara- OutsideEmploymentRequest (002).pdf

INQ 18-220 Guevara

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, September 25, 2018 2:02 PM
To: 'renegade.plumber64@gmail.com' <renegade.plumber64@gmail.com>
Cc: Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Campos, Evelyn (Aviation) (ECampos@miami-airport.com) <ECampos@miami-airport.com>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: INQ 18-220, Rene Guevara, Plumber, Miami-Dade Aviation Dept. (Outside Employment)

Dear Mr. Guevara:

This opinion will address whether conflicts of interest may exist between your County employment and your outside employment for your privately-owned company, Renee Contractor Corp. ("RCC").

As background, you are employed at the Miami-Dade County Aviation Department ("MDAD"), as a plumber. Your job duties include inspecting and repairing plumbing fixtures at MDAD. Your outside employment is as an owner of RCC, a plumbing company. You work for your private owned-company 16 hours a week, outside of your County hours. RCC performs plumbing installations and repairs for private homes and private buildings; it does not perform any plumbing work for other companies that are County vendors. However, a review of County records indicates that RCC itself is listed as a County vendor. You explained that you applied to become a County vendor prior to becoming employed with Miami-Dade County and that you do not have any current contracts with the County.

The County Ethics Code prohibits County employees from engaging in outside employment that is likely to create conflicts of interest between the employee's county responsibilities and their outside job duties. After reviewing the facts presented here, we find that your outside employment running your privately-owned company is not likely to cause conflicts of interest between your private interests and your public duties. This is because there is no overlap between your public duties as a plumber and your outside employment. Here, RCC does not currently hold any contracts with the County; it performs work for **private** homes and buildings; it does not perform work for any other entities that are County vendors, and the work would be performed outside of your County hours. You must, however, abide by certain limitations which include the prohibition from using County time or resources in your outside employment; on disclosing any confidential information or using confidential information gained in your County employment for a private benefit; and from using your County position to secure any special benefits for yourself or your private business. Miami-Dade Code Secs. 2-11 and 2-11.1(g) and (h).

We remind you, that if RCC were to seek to contract with the County now or in the future, the County Ethics Code would require you to obtain an ethics opinion prior to contracting with the County. Furthermore, the Code would also prohibit you from contracting with MDAD, the department that

employs you. The form to obtain a limitation on contracting with the County ethics opinion can be found at http://ethics.miamidade.gov/library/forms/county_employee_asking_to_be_a_county_vendor_2013.pdf.

In addition, as long as you are engaged in outside employment you must complete the outside employment permission form (Request for Outside Employment) and the outside employment financial disclosure form (Outside employment Statement) on a yearly basis. Miami Dade Code Secs. 2-11 and 2-11.1 (k)(2).

This opinion is based on the fact presented. If these facts change, please contact us.

Cordially,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
gdiazgr@miamidade.gov
www.facebook.com/MiamiDadeEthics

From: Campos, Evelyn (Aviation) [<mailto:ECampos@miami-airport.com>]
Sent: Wednesday, September 05, 2018 1:13 PM
To: Ethics (COE) <ethics@miamidade.gov>
Cc: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Campos, Evelyn (Aviation) <ECampos@miami-airport.com>
Subject: Opinion Request-Outside Employment

The Aviation Department requests an opinion on the attached Request for Outside Employment from employee Rene Guevara. Mr. Guevara is a plumber in our Maintenance Division, his main responsibilities are listed on the form. He is seeking approval for outside employment for his self-owned company, Rene Contractor Corp., that is also a registered County vendor. We have determined he does not have a service contract at this time with the County.

Regardless, an opinion is sought regarding this request.

Thank you,
Evelyn Campos, Professional Compliance Director
Miami-Dade Aviation Department
P.O. Box 025504
Miami, FL 33102-5504
305-876-7390 Phone
305-439-9439 Cell
ecampos@miami-airport.com
www.miami-airport.com

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Human Resources Division

TRACKING DOCUMENT

DATE: July 6, 2018

SUBJECT: Request for Outside Employment Application

BACKGROUND: Section 2-11.1 provides 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 materials are used. Any full-time/part time MDAD employee intending to engage in outside employment must first obtain written approval from the Department Director in accordance with Miami-Dade County Administrative Order 7-1. The Division(s) reviewed the request(s) indicated below and recommends approval.

RECOMMENDATION: The Division Director recommends approval.

EMPLOYEE'S NAME: Rene Guevara, Airport Plumber, Facilities Maintenance

	APPROVAL	DATE
Administration Office		
Wallace Madry, Jr. - Human Resources Division Director		7/6/18
Barbara S. Jimenez - Assistant Director		

	APPROVAL	DATE
Deputy Director's Office		
Jenny Deblois		
Ken A. Pyatt - Deputy Aviation Director		
Director's Office		
Arlyn Rull - Chief of Staff and Senior Policy Advisor		
Lester Sola - Director and Chief Executive Officer		

Comments: 7/24/18 - Rene needs an affidavit since company is a County vendor

Please return to: Wallace Madry, Jr., Human Resources

Location: Building 5-A, 1st Floor



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 <i>Rene Guavara</i>	Employee ID Number <i>E-318447</i>
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Present County Employment (check one)

<input checked="" type="checkbox"/> County <input type="checkbox"/> Public Health Trust	
Department <i>MDAD - Maint Division</i>	Position or Title <i>Plumber</i>
Job Responsibilities <i>Inspects Public Restroom in order to ensure that fixtures working properly. Install, maintains and repair water circulation valves, faucets, traps, sinks, wash basins, sewers, vents and other similar fixtures. Install and maintain the pipe by opening clogged drains with Plunger or other devices, Replace washers on leaky faucets.</i>	

Proposed Outside Employment

Name of Company/Organization <i>Rene Contractor Corp.</i>	Job Title <i>Owner</i>
Responsibilities <i>Responsible for the daily operation of the plumbing contracting business. After regular hour with MDAD</i> <i>- New Construction</i> <i>- Plumbing Services</i> <i>- Backflow Certificate Tester</i>	
Location <i>3110 SW 12th Ave Ft. H 33175</i>	Work Schedule
Total hours per week <i>Sixteen hours</i>	
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
[Signature]

Date
06-27-18

Department Director's Approval

Date



Miami-Dade Aviation Department
Supplemental Information for Outside Employment

Employee Information

Employee Name: Rene Guayra Employee ID: _____
Division: Maint. Job Classification: Plumber
Employee Status (Full-time/Part-time): Full-Time Hours Worked per Pay Period: Eighty hours
Supervisor/Manager/Chief: _____

List your specific duties/responsibilities under your current job classification:

Inspects Public Restroom in Order to ensure that fixtures working properly
Cut in wall for pipe band Pipes over block by hand, Cut reams and thread pipe
Install/maintain and Repair water circulation valves, faucets, Trap Sinks, Washbasin
and other Sanitary Fixtures

What area(s) within Miami International Airport and/or the General Aviation Airports are you normally assigned to work?

- ☐ Terminal, specify concourse/location _____
☒ Cargo _____
☐ Ramp _____
☐ GAA, specify airport _____
☐ Other, please specify _____

List airlines, tenants, concessionaires, service providers or any other companies that you directly interact with as part of your current job at the Aviation Department:

- D.H.L
- Customs
- Police Department
- USDA
- Internal Office all Cargo Companies and other Airports
in Dade County

Proposed Outside Employment

Name of Company/Organization for Outside Employment:

Rene Contractor Corp.

Proposed Job Title:

Owner

Is the Outside Employer a County vendor?

☐ Yes
☒ No

Does the Outside Employer conduct business with the Miami-Dade Aviation Department?

☐ Yes
☒ No

Have you had any direct interaction with the proposed outside employer in your current job classification with the Aviation Department?

☐ Yes if yes, please explain _____
☒ No

Will the requested outside employment be performed at Miami International Airport and/or the General Aviation Airports?

☐ Yes if yes, please indicate specific location (i.e. terminal, concourse, cargo, ramp, etc.):

☒ No if no, state address where the requested outside employment will be performed:

Others in Dade County

What will be your work schedule for the proposed outside employment?

Part-time

What will be the proposed hours per week for your outside employment?

Sixteen hours

List your specific duties/responsibilities under the requested outside employment:

I'm responsible for the daily operation of my Plumbing business

Employee Acknowledgement

I am requesting approval to perform outside employment during off-duty hours. The work will not exceed 16 hours per payroll week. Outside employment does not adversely affect my job performance, does not represent a conflict of interest or ethics violation with Miami-Dade County, and is not contrary, detrimental, or adverse to the interests of Miami-Dade County or the Miami-Dade Aviation Department. I understand that as an essential employee to the Department I am subject to recall to duty at any time when an operational necessity has been designated and that approval is only for the employment listed, and that continued approval is not assured. No County equipment, material, instruments, licenses, designations or facilities will be used and no part of such employment will be conducted on County time.

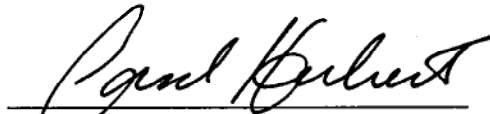
I certify that the data provided is correct, and that I have read and understand the conditions specified in applicable departmental directives concerning outside employment, and I agree to abide by the contents thereof, including specifically any terms and conditions of such employment. I understand that failure to comply with the stipulations indicated will cause for revocations of approval and could result in possible disciplinary action. I also understand and agree that approval or denial is entirely at the discretion of the approving authority.

Employee Signature: _____

Date: _____

06-27-18

Department Signatures



Supervisor/Manager/Chief
Recommend Approval

6-29-18
Date

Supervisor/Manager/Chief
Recommend Denial



Division Director J. VALDERRAMA
Recommend Approval

7/2/18
Date

Division Director
Recommend Denial



Assistant Director
Recommend Approval

7/2/18
Date

Assistant Director
Recommend Denial

FAML9530 V5.1

MIAMI-DADE COUNTY 5.1 ONLINE FAMIL

LINK TO:

VENDOR MAIL CODE

VENDOR NUMBER: 460884894 RENE CONTRACTOR CORP

VENDOR SUFFIX: 01

MAIL CODE : PO PURCHASE ORDER

HEADER STATUS: A DETAIL STATUS: A DPM REGISTER: A

ATTN LINE 1 :

ATTN LINE 2 :

ATTN LINE 3 :

STREET : 3110 SW 126 AVENUE

CITY : MIAMI STATE: FL

COUNTRY : US UNITED STATES

REGION : LAST BID

COUNTY : LAST PO

CONTACT NAME : RENE GUEVARA

E-MAIL : RENEGUE.PLUMBER64@GMAIL.COM

PHONE : 305 297-8782 FED TAX

FAX : 866 797-6507 FED TAX

TOLLFREE : 866 797-6507

F1-HELP F2-SELECT F4-PRIOR F5




F7-DETAIL F9-LINK

G014 - RECORD FOUND

MA

a

Thank you,
Neivy Garcia, Commodities Management Division Director
Miami-Dade Aviation Department
P.O. Box 025504
Miami, Florida 33102-5504
305-876-8482 Phone
ngarcia@miami-airport.com
www.miami-airport.com

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DIVISION OF CORPORATIONS

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Florida Profit Corporation

RENE CONTRACTOR CORP

Filing Information

Document Number P12000073755
FEI/EIN Number 46-0884894
Date Filed 08/28/2012
Effective Date 08/29/2012
State FL
Status ACTIVE

Principal Address

3110 SW 126 AVE
MIAMI, FL 33175

Changed: 11/21/2013

Mailing Address

3110 SW 126 AVE
MIAMI, FL 33175

Changed: 11/21/2013

Registered Agent Name & Address

GUEVARA, RENE
3110 SW 126 AVE
MIAMI, FL 33175

Address Changed: 11/21/2013

Officer/Director Detail**Name & Address**

Title P

GUEVARA, RENE
3110 SW 126 AVE
MIAMI, FL 33175

Annual Reports

Report Year	Filed Date
2016	04/06/2016
2017	04/28/2017

2018

04/20/2018

Document Images

04/20/2018 -- ANNUAL REPORT	View image in PDF format
04/28/2017 -- ANNUAL REPORT	View image in PDF format
04/06/2016 -- ANNUAL REPORT	View image in PDF format
03/20/2015 -- ANNUAL REPORT	View image in PDF format
04/19/2014 -- ANNUAL REPORT	View image in PDF format
11/21/2013 -- Reg. Agent Change	View image in PDF format
03/18/2013 -- ANNUAL REPORT	View image in PDF format
08/28/2012 -- Domestic Profit	View image in PDF format

Florida Department of State, Division of Corporations

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 Rene Guevara (Check One):
(Print or Type Name)

☒ Am departmental Personnel (Department Head, County Attorney and Assistant County Attorney) or County employee serving as a(n) Plumber Aviation Dpt in the _____ 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 Rene Contractor Corp, a corporation, firm, partnership, or business entity as an Owner; 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:

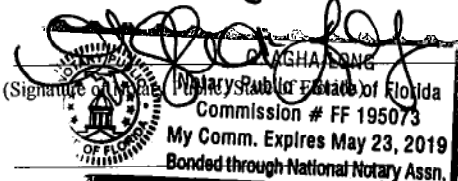
☒ I do not lobby the County on behalf of this entity, nor do I oversee either the selection or the administration of any contract this entity holds with the County.

STATE OF FLORIDA
COUNTY OF Dade

Sworn to (or affirmed) and subscribed before me

this 14 day of Aug. 2018.

by Rene Guevara
(Name of Person Making Statement)


(Signature of Notary Public)

(Print, Type, or Stamp Commissioned Notary Public)

Personally known to me _____ Or Produced Identification _____ Type of Identification Produced: FL DL G1160-720-64-271-0

File this form with the Miami-Dade Clerk of the Board at clerkbcc@miamidadegov.