

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, December 03, 2018 10:51 AM
To: Sanchez, Rodzandra (COE)
Cc: Arrojo, Jose (COE); Campos, Evelyn (Aviation); Pera, Frances (Aviation)
Subject: INQ 18-252 Nairim Lainez, Airport Operations Specialist, Miami Dade Aviation Department (Outside Employment)
Attachments: INQ 18-252 Lainez.pdf

INQ 18-252 Lainez

From: Arrojo, Jose (COE)
Sent: Friday, November 30, 2018 6:08 PM
To: Lainez, Nairim (Aviation) <NLainez@miami-airport.com>
Cc: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>; Ross, Rachele (COE) <Rachele.Ross@miamidade.gov>
Subject: INQ 18-252 Lainez

Dear Mr. Lainez:

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust regarding outside employment.

Attached is our opinion on the matter.

Best regards,

Jose J. Arrojo

Executive Director
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Jose.Arrojo@miamidade.gov
Tel: (305) 579-2594
Fax: (305) 579-0273
<http://ethics.miamidade.gov/>





MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

19 West Flagler Street, Suite 820 □ Miami, Florida 33130
Phone: (305) 579-2594 □ Facsimile: (305) 579-0273
Website: ethics.miamidade.gov

MEMORANDUM

TO: Nairim Lainez
Airport Operations Specialist, Miami Dade Aviation Department

FROM: Gilma Diaz-Greco, Staff Attorney
Commission on Ethics

SUBJECT: INQ 18-252

DATE: November 30, 2018

CC: All COE Legal Staff; Evelyn Campos, Division Director of Professional Compliance; Frances Pera, Airport Operations Supervisor

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding possible conflicts of interest in your proposed outside employment.

Facts:

You are employed at the Miami-Dade County Aviation Department (“MDAD”) as an Airport Operations Specialist (“AOS”). You would like to engage in outside employment as an Uber driver to earn additional income to help pay for your college education.

Issue:

Whether any prohibited conflicts of interest may exist between your County employment and your proposed outside employment as a driver for Uber in Miami-Dade County.

Discussion:

As background, you are employed at MDAD as an AOS in the Credentialing Section of MDAD’s Security division. Your job duties include auditing and issuing security identification badges to employees of outside companies that require security clearance. This includes finger printing those employees and conducting background checks to ensure

that they meet local, State, and Federal aviation security standards. It also includes issuing security badges to the employees who pass the security check. The security badges allow them access to the airport facilities.

You are seeking employment as an Uber driver. This work would occur outside of your County work hours, on evenings and weekends. MDAD has permit agreements with Uber. However, Uber drivers are not required to obtain security identification badges from MDAD's Security division to perform their permitted duties; and your job duties do not include any direct or indirect interaction with Uber or their drivers.

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. 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.

In this case, your public duties as an AOS with MDAD's Security division do not include direct or indirect contact with, or credentialing of Uber employees and your County job will not otherwise cause you to encounter the same or similar entities both in your outside employment and your public duties. Consequently, your County duties and the duties of your outside employment are not closely related. *See* COE Outside Employment Guidelines (2017). In addition, since your outside employment would occur outside of your County hours of employment and you would use your personal vehicle as an Uber driver it is unlikely that any County resources would be used for this job. *See* COE Outside Employment Guidelines (2017).

Opinion:

Based on the facts presented here, and after discussing this matter with MDAD supervisory personnel, we concur with MDAD that your proposed outside employment as an Uber driver does not create conflicting employment. This is because Uber drivers are not required to obtain security identification badges and they do not interact directly or indirectly with MDAD's security division which employs you. Consequently, there is no overlap or likelihood of conflict between your public duties as an AOS at MDAD and your outside employment.

However, you must abide by certain limitations which include the prohibition from using County time or resources in your outside employment; from 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 Section 2-11, AO No. 7-1, County Ethics Code Sections 2-11.1(g) and (h).

In addition, as long as you are engaged in outside employment you must obtain permission to engage in outside employment and submit the outside employment financial disclosure form ([Outside Employment Statement](#)) on a yearly basis. County Ethics Code Sections 2-11 and 2-11.1 (k)(2).

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.