

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, April 20, 2018 10:22 AM
To: Sanchez, Rodzandra (COE)
Subject: Jose Galan, Assistant Director, ISD (Conflict of Interest) INQ 18-97
Attachments: Opinion Request (004) Galan.pdf

INQ 18-97 Galan

From: Turay, Radia (COE)
Sent: Wednesday, April 18, 2018 9:42 AM
To: Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>
Cc: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: FW: INQ 18-97, Jose Galan, Assistant Director, ISD (c)

From: Turay, Radia (COE)
Sent: Tuesday, April 17, 2018 4:28 PM
To: Garrote, Cynthia (ISD) <Cynthia.Garrote@miamidade.gov>
Cc: Galan, Jose A. (ISD) <Jose.Galan@miamidade.gov>; McConnell, Baunie (ISD) <Baunie.McConnell@miamidade.gov>; Clodfelter, Belkis (ISD) <Belkis.Clodfelter@miamidade.gov>; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: INQ 18-97, Jose Galan, Assistant Director, ISD (c)

Dear Mr. Galan,

You have inquired whether a conflict of interest exists under the Ethics Code if the Internal Services Department (ISD) were to hire Ms. Doris Robleto as a Workers' Compensation Adjuster in the Risk Management Division.

Facts

- Ms. Robleto is a top candidate selected following a competitive recruitment to fill a vacancy of Workers' Compensation Adjuster in the ISD's Risk Management Division.
- It has been brought to your attention that Ms. Robleto is the girlfriend of Mr. Paul Alexander, the On-Site Account Manager for Corvel Corporation (Corvel). They do not live together.
- Corvel is the only Contractor that provides bill review services, pharmacy benefits management and claims management system software for the County. Corvel was selected to provide these services through a competitive RFQ process in 2007.
- As the On-site Account Manager for Corvel, Mr. Alexander serves as a liaison between the County and Corvel. He troubleshoots software questions from ISD's claims adjusters, providing responses and solutions.
- If hired, Ms. Robleto job duties will include reviewing files and recommending for approval or denial of a County employee's medical bills, following the guidelines of Florida Statute 440 regarding claims processes. The outcome of her review will then be routed to medical providers who then forward medical bills for processing to Corvel.
- In her proposed County position, Ms. Robleto may have direct contact with Mr. Alexander if she has any questions regarding Corvel's software, which is used by the Risk Management Division.
- She however does not have any impact as to the volume of Corvel's business with the County.

- As a worker's compensation adjuster, she would not oversee, enforce, or administer Corvel's contract with the County.
- Further, she would have no impact on any evaluation that the County would conduct regarding Corvel.

Analysis

The initial question presented is whether this situation falls within the prohibitions in Sections 2-11.1(c)(1) and 2-11.1(c)(2) of the Ethics Code which prohibits a County employee "or his or her immediate family member" from entering into a contract, either individually or through an entity in which the County employee or immediate family member has a controlling financial interest, if the County employee works in the County department which will enforce, oversee, or administer the subject contract.

The definition of "immediate family" is found in Section 2-11.1(b)(9). It states that "immediate family" shall refer to "the spouse, domestic partner, parents, stepparents, children and stepchildren of the person involved." In this case, Mr. Alexander is simply the "boyfriend" of the potential County employee. They do not live together, and do not share expenses. "Boyfriend" is however not included in the definition of "immediate family" under Section 2-11.1(b)(9) of the Ethics Code. See Ethics Code 2-11.1(b)(9); INQ 17-248; and INQ 13-61.

Additionally, Section 2-11.1(b)(8) defines the term "controlling financial interest as, "ownership, directly or indirectly, of ten (10) percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten (10) percent or more in a firm, partnership, or other business entity." In this case, Mr. Alexander is simply an employee of Corvel. He does not have a controlling financial interest in Corvel as he does not have ownership, directly or indirectly, of up to ten (10) percent of the outstanding capital stock in the company. See Section 2-11.1(b)(8) of the ethics code.

Consequently, a conflict of interest does not exist under Sections 2-11.1(c)(1) and 2-11.1(c)(2) of the Ethics Code should ISD hire Ms. Doris Robleto as a Workers' Compensation Adjuster in the Risk Management Division because "boyfriend" is not included in the definition of "immediate family member" in the Ethics Code, and Mr. Alexander is simply an employee of Corvel and does not have a controlling financial interest in the company.

The second question presented is whether this situation falls within the prohibition in Section 2-11.1(n) of the Ethics Code, which prohibits a County employee from participating in any official action, directly or indirectly, that would affect a business in which the County employee or an immediate family member has an interest.

As noted above, "boyfriend" of the potential County employee is not included in the definition of "immediate family" under Section 2-11.1(b)(9) of the Ethics Code. See Ethics Code 2-11.1(b)(9); INQ 17-248; and INQ 13-61.

Further, Ms. Robleto, the proposed County employee has no financial interest in Corvel, so she would not be prohibited from participating in any official action regarding Corvel.

However, it is recommended that Ms. Robleto avoid direct interactions with Mr. Alexander in her County employment so as avoid the appearance that she is using her official position to secure special privileges or exemptions for herself or others. See 2-11.1(g) of the Ethics Code. Lastly, it is also recommended that Ms. Robleto avoids discussing her County employment with Mr. Alexander so as to avoid any possibility that she might disclose confidential information regarding the County contract with Corvel acquired by her through her official position in violation of Section 2-11.1(h) of the Ethics Code.

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

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Ethics.miamidade.gov

From: Garrote, Cynthia (ISD)

Sent: Friday, March 30, 2018 2:58 PM

To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>

Cc: Galan, Jose A. (ISD) <Jose.Galan@miamidade.gov>; McConnell, Baunie (ISD) <Baunie.McConnell@miamidade.gov>;

Clodfelter, Belkis (ISD) <Belkis.Clodfelter@miamidade.gov>

Subject: RE: Formal Opinion Request for Approval to Hire - Internal Services

Hi Radia,

I obtained the responses from Risk Management, please see below. Ms. Robleto's telephone number is included.

Answer to Q. 1: Yes, Doris Robleto may have direct contact with Corvel Corporation and Paul Alexander. If she needs assistance with a bill or has a question in regards to a bill or if she needs to run a report, she may contact Corvel/Paul Alexander to assist her with this function. If there is a question with a provider, Ms. Robleto may contact Corvel and speak with a representative to confirm if a doctor is in network, if the doctor's office is not complying with required workers' comp forms, if nurse case manager needs to be assigned to a claim in order to obtain additional information.

Answer Q. 2: No, Doris Robleto will not oversee, administer or have any involvement with the Corvel contract.

Answer Q. 3: We don't know this answer, please reach out to her (305-375-4898).

Please let us know if we can provide any further information you may need.

Have a great weekend,

Cynthia

From: Garrote, Cynthia (ISD)

Sent: Friday, March 30, 2018 9:03 AM

To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>

Subject: RE: Formal Opinion Request for Approval to Hire - Internal Services

Good morning Radia,

I apologize for not getting back to you sooner, I was out of the office yesterday. I will follow up with Risk Management and obtain responses to your questions.

Thanks,
Cynthia

From: Turay, Radia (COE)
Sent: Thursday, March 29, 2018 3:02 PM
To: Garrote, Cynthia (ISD) <Cynthia.Garrote@miamidade.gov>
Subject: RE: Formal Opinion Request for Approval to Hire - Internal Services

Hello Cynthia,

After speaking to briefly to Joe about this, we have some follow-up questions:

- 1) In your letter, you indicated that “in her position she may have direct contact with Corvel and Mr. Alexander”; we need to know what that contact entails?
- 2) Would she oversee, administer, or have any involvement with the contract with Corvel in anyway?
- 3) Does she happen to live with Mr. Alexander? The reason that we are asking this question is because Section (n) of our Code prohibits employees from participation in any official action, directly or indirectly, that would affect a business in which you or an immediate family member has a financial interest. She may have an indirect financial interest if they happen to live together

Perhaps you can provide her contact information so we can speak to her directly.

Thanks,
Radia.

From: Garrote, Cynthia (ISD)
Sent: Tuesday, March 27, 2018 11:43 AM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Cc: Galan, Jose A. (ISD) <Jose.Galan@miamidade.gov>; McConnell, Baunie (ISD) <Baunie.McConnell@miamidade.gov>; Palomino, Victoria (ISD) <Victoria.Palomino@miamidade.gov>; Clodfelter, Belkis (ISD) <Belkis.Clodfelter@miamidade.gov>
Subject: Formal Opinion Request for Approval to Hire - Internal Services

Good morning Radia,

Hope this email finds you well.

I attached a memorandum requesting a formal ethics opinion for approval to hire for the Internal Service’s Risk Management Division. Please let me know if you require further information.

Thank you,

Cynthia Garrote, Esq.,
Procurement Analyst
Ethics Officer
Miami-Dade County Internal Services Department
111 NW 1st Street, 21st Floor, Miami, Florida 33128
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Memorandum



Date: March 27, 2018

To: Radia Turay
Staff Attorney, Commission on Ethics

From: Jose Galan
Assistant Director, Internal Services

Subject: Requesting Formal Opinion from Commission on Ethics: Approval to Hire Workers' Compensation Adjuster – Doris Robleto

I am requesting a formal opinion from the Commission on Ethics, to determine if a conflict exists if the Internal Services Department were to hire Ms. Doris Robleto as a Workers' Compensation Adjuster in the Internal Services Department's Risk Management Division. Ms. Robleto is the top candidate selected following a competitive recruitment to fill a vacancy and is the girlfriend of Mr. Paul Alexander, an On-Site Account Manager for Corvel Corporation (Corvel). In 2007, Corvel was selected through a competitive Request for Proposals to provide bill review services, pharmacy benefits management and claims management system software for the County.

As an On-Site Account Manager for Corvel, Mr. Alexander serves as a liaison and troubleshoots software questions from Internal Service's claims adjusters, providing responses and solutions. If selected, Ms. Robleto will be reviewing files and recommending for approval or denials of County employee medical bills, following the guidelines of Florida Statute 440 regarding claims processes. The outcome of her reviews are routed to medical providers who then forward medical bills for processing to Corvel. In her position, Ms. Robleto may have direct contact with Corvel and Mr. Alexander, but her authority to approve or deny bills will not impact Corvel's business volume with the County.

Based on the information provided, please let me know if there is a conflict in hiring Ms. Robleto for the position of Workers' Compensation Adjuster within the Internal Services Department's Risk Management Division.

c: Tara C. Smith, Director, Internal Services Department
Baunie McConnell, Division Director, Risk Management Division, Internal Services Department