

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, March 21, 2019 2:45 PM
To: Warger, Brenda (MDPR)
Cc: Arrojo, Jose (COE); Murawski, Michael P. (COE); Perez, Martha D. (COE); Turay, Radia (COE); Wesley, Jon (MDPR); Sanchez, Rodzandra (COE); Anderson, Machell (COE)
Subject: INQ 19-31, Re: Mike Blandino, Security Guard, Miami-Dade County Deering Estate (Outside Employment)
Attachments: INQ 19-31 Blandino.pdf; Outside Empl- Request M. Blandino.pdf

Dear Ms. Warger:

Thank you for contacting the Commission on Ethics. Attached is the requested outside employment opinion for Mr. Mike Blandino, employed at the Deering Estate.

Please do not hesitate to contact us if we may be of further assistance.

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

This email and any attachments are for the exclusive and confidential use of the intended recipient(s). If you are not an intended recipient, please do not read, distribute or take action in reliance upon this message. If you have received this in error, please notify me immediately by return email and promptly delete this message and its attachments from your computer. Miami-Dade County is a public entity subject to Florida's public record laws. Any communication with this office, including e-mail messages, could be considered a public record subject to disclosure.



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: Brenda Warger, Assistant to the Director, Deering Estate-Miami Dade Parks, Recreation and Outdoor Spaces Department (“Deering Estate”)

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

SUBJECT: INQ 19-31

DATE: March 20, 2019

CC: All COE Legal Staff; Jon Wesley, HR Manager, Miami-Dade Parks, Recreations and Open Spaces Department; Joseph Wimbley, Security Manager, Deering Estate

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust (“Ethics Commission”) and requesting our guidance regarding possible outside employment conflicts of interest regarding an employee of the Deering Estate-Miami Dade Parks, Recreation and Outdoor Spaces Department (“Deering Estate”).

Facts:

Mr. Mike Blandino is employed at the Deering Estate, a division of the Miami-Dade County Parks Recreation and Open Spaces Department (“MDPR”) as a Security Guard. He is requesting permission to engage in outside employment as a Security Guard for Allied Universal Corporation (“Allied”), a County vendor.

Issue:

Whether any prohibited conflicts of interest may exist between Mr. Blandino’s County employment and his proposed outside employment as a Security Guard for Allied.

Discussion and opinion:

As background, Mr. Blandino is employed at MDPR's Deering Estate Division as a Security Guard. His job duties include ensuring the security and safety of Deering Estate visitors, personnel, and premises by patrolling the property; monitoring surveillance equipment; inspecting buildings, equipment, and access points; monitoring safe entry and exit to the Estate. Security at the Deering Estate is overseen by the Security Manager who supervises both Deering Estate security personnel as well as security personnel hired by the Deering Estate under County contracts with Allied, a County vendor. Allied, directly and through subcontractor companies (such as Delta 5) provides additional security services to the Estate whenever needed, for example during special events held there. We have consulted with Deering Estate supervisory staff who confirm that Mr. Blandino's County job duties and work schedule routinely overlap with Allied and Delta 5's personnel working at the Estate. His job duties also include routine interactions with Allied personnel and oversight and direction of Allied personnel while they perform security duties at the Deering Estate pursuant to Allied's contract with the County. Mr. Blandino has completed an outside employment permission form to engage in outside employment working as a Security Officer for Allied.

Several sections of the Miami-Dade Code of Ethics must be considered in analyzing whether a County employee's outside employment may create prohibited conflicts of interest.

- Sections 2-11.1(j) and (k) prohibit County employees from engaging in outside employment which creates a conflict between the County employee's public duties and his or her private interests and would therefore be likely to impair the County employee's independence of judgment in the performance of his or her official duties.
- Section (g) of the County Ethics Code prohibits County employees from using their official position to obtain special privileges or exemptions for themselves or their outside employers. Overseeing, administering, being involved in the selection, or recommendation of any current or future contract that the employee's outside employer may have with the county, and/or the use of County time or resources in the performance of outside employment, may constitute an "exploitation of official position" in violation of Section 2-11.1(g) of the County Ethics Code.

In addition, County Administrative Order AO 7-1 reiterates the general principle that County employees must conduct the public's business without even an appearance of conflicting loyalties. It states that "Under no circumstances shall a County employee accept outside employment ... where a real or apparent conflict of interest with one's official or public duties is possible."

The Ethics Commission has also provided opinions regarding County employees engaged in outside employment with County vendors. For example, the Ethics Commission has determined that conflicts can arise when a County employee works for a County vendor that contracts with the department if there is overlap between the employee's County and outside employment duties. *See RQO 99-50 and INQ 12-155.* The Ethics Commission reasoned in those opinions that the outside employment with a vendor that contracted with the department where the employee worked might improperly affect the County employee's relationships with his County coworkers and might induce him to use confidential information to benefit his private employer. In this case, a conflict would similarly be created because the Deering Estate which employs Mr. Blandino contracts with Allied and Delta 5, and as part of his County job Mr. Blandino has routine access or knowledge of when special events will occur at the Estate that would likely require hiring extra security for Allied or Delta 5. This would regularly create opportunities for the employee to benefit the vendor to the detriment of the County.

In addition, the Commission on Ethics has previously held that conflicting employment would likely occur where the County employee is employed by a County vendor that services the facilities where the employee performs his or her County duties; where the County employee routinely interacts with employees of the County vendor during his County work hours; or the employee or his or her supervisor are responsible for oversight or management of the County vendor employees. *See RQO 16-02 and INQ 11-67.* Similarly, in this instance, Allied provides security guard services to the Deering Estate; Mr. Blandino's County duties require him to interact routinely with Allied employees; and he and his supervisor oversee and direct Allied employees who perform security work at the Deering Estate.

Opinion:

Based on the facts presented here and after consultation with Deering Estate staff, we find it is likely that conflicts will exist between Mr. Blandino's County employment as a Security Guard at the Deering Estate and his outside employment as a Security officer with Allied. Consequently, Mr. Blandino's proposed outside employment would be barred by the County Ethics Code because his public duties as a security guard at the Deering Estate are closely related to his duties as a security guard for Allied and would include routine direct and indirect interaction with Allied and Delta 5 personnel in both jobs.

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.



REQUEST FOR APPROVAL OF 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 Approval of 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 request. 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 (print) | Employee ID Number |
| MIKE BLANDINO | E 311688 |

Present County Employment (check one)

| | | |
|---|-----------------------------------|--|
| <input checked="" type="checkbox"/> County <input type="checkbox"/> Public Health Trust | Position or Title | Work Location |
| Department MIAMI-DADE PARKS | Position or Title GUARD | Work Location DEERING Estate |
| Job Responsibilities Patrolling the COMMON AREAS of the PARK | | |

Proposed Outside Employment

| | | | |
|--|--|------------------------------------|-------------------------|
| Name of Company/ Organization | Allied UNIVERSAL | | |
| Phone | 305262-7123 | Job Title | Security Officer |
| Responsibilities | MONITORING LAW ENFORCEMENT & LAWYERS STATE ATTORNEY'S CREDENTIALS at the METRO DADE JUSTICE BLDG. | | |
| Worksite Address | Hours per Day | Work Schedule | Days of Week |
| 1351 NW 12th St. MIAMI, FL 33125 | 8 PER DAY | 40 weekly 8 am/pm - 4 am/pm | M-F |
| Will your proposed outside employer release you if and when 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 with the Clerk of the Board at clerkbcc@miamidade.gov 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 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.

Mike Blandino

Employee's Signature

11-2-2018

Date

| | | | |
|--------------------------|---|---------------------|------|
| Division Recommendation: | Personnel Recommendation: Approval with stipulation that supervisor monitors to ensure no conflict with work hours and/or job duties and that outside employer releases you in case of County emergency. | | |
| Division Signature | Date | Personnel Signature | Date |

This approval expires:

Approved Disapproved

Department Director's Signature

Date