

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, April 02, 2019 1:28 PM
To: Baugh, Yokonon (MDFR)
Cc: Arrojo, Jose (COE); Murawski, Michael P. (COE); Perez, Martha D. (COE); Turay, Radia (COE); Sanchez, Rodzandra (COE); Anderson, Machell (COE)
Subject: INQ 19-36, Yokonon Baugh, Fire Rescue Dispatcher, Miami-Dade Fire Rescue Department (Limitations on Contracting with the County)
Attachments: INQ 19-36 Baugh.pdf; Baugh Applic..pdf; Yolo Bounce World Corp Sunbiz.pdf

Dear Mr. Baugh:

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding limitations on County employees contracting with the County. Attached is INQ 19-36 addressing your question. Please do not hesitate to contact us if you have any questions or 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
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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: Yokonon M. Baugh, Fire Rescue Dispatcher, Miami-Dade Fire Rescue Department

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

SUBJECT: INQ 19-36

DATE: 4-2-19

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding Miami-Dade County employees applying to become County vendors.

Facts:

You are employed by the Miami-Dade Fire Rescue Department (“MDFR”) as a Fire Rescue Dispatcher. You would like to contract with the County through your privately-owned business, YOLO Bounce World Corp. (“YOLO Bounce World”), a party supply company which provides entertainment equipment for events and parties. Yolo Bounce World is seeking to apply to become a County vendor to provide party equipment services to departments such as the Miami-Dade Parks and Recreation Department.

Issue:

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”) would prevent your privately-owned company, YOLO Bounce World from contracting with the County.

Discussion and Opinion

Your inquiry involves several sections of the County Ethics Code which are analyzed below:

A. Outside Employment

Work conducted for YOLO Bounce World, your privately-owned business, constitutes outside employment. The County Ethics Code prohibits County employees from engaging in conflicting outside employment. Conflicting employment is sometimes created when a County employee comes in contact with the same or similar people or entities in both her outside employment and in her County job or when she uses the same or similar resources in her outside employment as she uses in his County work. Also note that you may not use County time or resources in the performance of your outside employment. *See* County Ethics Code §§ 2-11.1 (g) and (j), Miami-Dade Code 2-11, and Administrative Order 7-1.

Please be advised that this letter does not grant you permission to engage in outside employment. You must obtain permission to engage in outside employment annually from your department director and file related financial disclosure forms annually.

B. Contracting with the County

Once you have been granted permission to engage in outside employment, you may enter into a County contract through your privately-owned business, YOLO Bounce World, provided that the contract does not interfere with the full and faithful discharge of your duties to the County. *See* the County Ethics Code at Secs. 2-11.1 (c) (2) and (d).

This includes the condition that you may not participate in determining the contract requirements or in awarding the contract. Additionally, none of your job responsibilities and job descriptions may require you to be involved in the contract in any way. This includes but is not limited to, the contract's enforcement, oversight, administration, amendment, extension, termination or forbearance. Also, you may not work in any County department that would enforce, oversee or administer this contract. *See* County Ethics Code §§ 2-11.1 (c) and (n). Consequently, YOLO Bounce World **may not** enter into contracts with MDRF.

C. Lobbying

Furthermore, you may not lobby the County. In this case, it means that you may not contact anyone within the County in an attempt to influence a decision about any contract YOLO Bounce World is seeking. *See* the County Ethics Code at Sec. 2-11.1 (m)(1).

D. Exploitation of Official Position

Finally, the County Ethics Code prohibits County employees from exploitation of their official position. This means that you may not use your County position to secure **special privileges or exemptions** with respect to any County contract to which YOLO Bounce World is applying. *See* County Ethics Code § 2-11.1(g).

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.

Please submit this memorandum to the Procurement Department. The Ethics Commission does not submit it on your behalf.

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.



COUNTY EMPLOYEES WISHING to REGISTER as COUNTY VENDORS

Please submit the following information by mail, fax, or email to:

The Commission on Ethics & Public Trust
19 West Flagler St., Suite 820
Miami, FL 33130

Phone: (305) 579-2594
Fax: (305) 579-0273
Email: ethics@miamidade.gov

Employee's Name Yokonon M. Baugh

Employee's Dept. Miami Dade Fire Rescue Communications

Business Name Yolo Bounce World Corp

Type of Business Amusement/Party Supply & Rental

Employee's Mailing Address 7775 NW 27th Avenue APT 311
Miami, FL 33147

Employee's Daytime Phone (954) 562-2900

Employee's Preferred Email Yokonon1@gmail.com

Immediate Family
Members

(Please list the names, titles, and departments of any immediate family members currently employed by Miami-Dade County) None

The Miami-Dade County Conflict of Interest & Code of Ethics at §2-11.1(c)(2) allows County employees to contract with the County in certain circumstances and if the following criteria are met. Please confirm that you will be able to meet all of these criteria:

1. Entering into a contract with the County will not interfere with the full and faithful discharge of my duties to the County.
2. I will not participate in determining the contract requirements.
3. I will not participate in awarding the contract.
4. My job responsibilities and job description will not require me to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination, or forbearance.
5. I will not be working in the County department that enforces, oversees, or administers the contract. I have read these requirements and pledge to abide by them.

Yokonon M Baugh
Signature

03/26/2019
Date

Your ethics opinion will be sent to you by first class mail & email, unless you request another type of delivery.