

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Wednesday, April 17, 2019 5:03 PM  
**To:** Arias, Diane (COM); Pradel, Zenaida (COM)  
**Cc:** Arrojo, Jose (COE); Murawski, Michael P. (COE); Perez, Martha D. (COE); Turay, Radia (COE); Shycko, Jaime (COM); Pradel, Zenaida (COM); Sanchez, Rodzandra (COE); Anderson, Machell (COE)  
**Subject:** RE: Disclosure of employment with County vendor  
**Attachments:** INQ 19-40 Arias.pdf; Arias OE Request.pdf; arias affidavit.pdf

Dear Mr. Arias:

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding possible conflicting employment under the County Ethics Code. Attached is INQ 19-40 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  
Tel: (305) 579-2594  
Fax: (305) 579-0273  
[gdiazgr@miamidade.gov](mailto:gdiazgr@miamidade.gov)  
[www.facebook.com/MiamiDadeEthics](http://www.facebook.com/MiamiDadeEthics)

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**From:** Arias, Diane (COM)  
**Sent:** Friday, February 15, 2019 11:16 AM  
**To:** Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>  
**Subject:** Re: Disclosure of employment with County vendor

Hi Gilma,

Thank you for providing me with the next steps. See below for the answers to your questions. I've attached the affidavit for your reference.

1. Communications does not have a contract with County vendor EnviroWaste Services Group.
2. I do not interact with them in any way or form at work.
3. My supervisor signed off on my request for outside employment.
4. You can verify a conflict of interest with my supervisor, Jaime Shycko.
5. Upon approval to work for this County vendor, I will work for them outside of my County employment work hours.
6. I am a full-time employee for Communications Department.
7. I will file the attached affidavit today with the Miami-Dade Clerk of the Board.

I look forward to your response and thank you again for your assistance.

Best,

**Diane Arias**, Web Publisher

**Communications Department**

305-375-3324

[miamidade.gov](http://miamidade.gov)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Wednesday, February 13, 2019 11:37 AM  
**To:** Arias, Diane (COM)  
**Subject:** RE: Disclosure of employment with County vendor

Good morning Ms. Arias:

This matter was referred to me for review. Please contact me at (305) 350-0638 so that we can discuss this matter.

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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**From:** Arrojo, Jose (COE)  
**Sent:** Wednesday, February 13, 2019 11:33 AM  
**To:** Arias, Diane (COM) <[Diane.Arias@miamidade.gov](mailto:Diane.Arias@miamidade.gov)>  
**Cc:** Diaz-Greco, Gilma M. (COE) <[Gilma.Diaz-Greco@miamidade.gov](mailto:Gilma.Diaz-Greco@miamidade.gov)>  
**Subject:** Disclosure of employment with County vendor

Dear Ms. Arias,

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

I am copying Gilma Diaz-Greco, a Commission on Ethics Attorney so that she may assist you with this process.

It is not clear as to whether this a prospective engagement with EnviroWaste Services or whether this is a past and present outside employment scenario.

If it is a past and present engagement, then as part of this process, you should please be prepared to share with Ms. Diaz-Greco information related to your previously approved outside employment request and outside employment income statement.

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](mailto:Jose.Arrojo@miamidade.gov)  
Tel: (305) 579-2594  
Fax: (305) 579-0273  
<http://ethics.miamidade.gov/>



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**From:** Arias, Diane (COM)  
**Sent:** Wednesday, February 13, 2019 8:51 AM  
**To:** Ethics (COE) <[ethics@miamidade.gov](mailto:ethics@miamidade.gov)>  
**Subject:** Disclosure of employment with County vendor

Good afternoon,

I am requesting an Ethics opinion on my employment by EnviroWaste Services Group, a County vendor, as a writer. My name is Diane Arias and I am a County employee serving as a web publisher in the Communications Department. I do not have any controlling financial interests, lobby the County on their behalf, nor oversee either the selection or administration of any contract they hold with the County.

Best,

**Diane Arias, Web Publisher**  
**Communications Department**  
305-375-3324  
[miamidade.gov](http://miamidade.gov)  
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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](http://ethics.miamidade.gov)

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**MEMORANDUM**

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**TO:** Diane Arias  
Web Publisher, Mami Dade Communications Department

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

**SUBJECT:** INQ 19-40

**DATE:** April 16, 2019

**CC:** All COE Legal Staff; Jaime Shycko, Integrated Communications Manager,  
Miami-Dade Communications Department; Zenaida Pradel, Senior HR  
Manager, Miami-Dade Communications Department

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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 Communications Department (“COM”) as a Web Publisher. You would like to engage in outside employment as a Website Content Writer for EnviroWaste Services Group (“EnviroWaste”), a County vendor.

Issue:

Whether any prohibited conflicts of interest may exist between your County employment and your proposed outside employment as a Website Content Writer for EnviroWaste.

Discussion:

As background, you are employed at COM as a full-time Web Publisher. One of the COM Department’s job functions is to create, administer, and update certain County department websites. Your job duties at COM include working on brochures, flyers, and newsletters prepared by the department. Your job duties also include providing web publisher services such as revising website organization and structure; clarifying language, grammar and spelling; and performing other revisions to websites administered by the COM department.

You are seeking outside employment working as a Website Content Writer for EnviroWaste. This company is a County vendor that provides storm and sanitary sewer maintenance, inspection, and repair services to the County's Solid Waste Management Department ("Solid Waste"). EnviroWaste does not contract with the COM department that employs you. Your outside employment would involve providing website content writing services for EnviroWaste's business website. This would involve reviewing EnviroWaste's website and rewriting existing content and functions. You would use your own computer and software to perform this work, and the work would occur outside of your County work hours on evenings and weekends. We have consulted your supervisor at COM who confirmed that your County job duties do not include working on the Solid Waste Department's website; nor the selection, oversight, administration or any other duties involving the selection of County vendors; nor interaction with EnviroWaste or its employees.

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.
- Section (f) of the County Ethics Code County provides that employees engaged in outside employment with a County vendor must complete a sworn affidavit disclosing that employment and must file the affidavit with the Miami-Dade Clerk of the Board.

In this instance, your outside employment working as a Website Content Writer for EnviroWaste shares some similarities with the Website Publisher duties you perform at COM. However, conflicts are unlikely to exist because this vendor does not provide any services to the COM department which employs you, and your public duties there would not include direct or indirect contact with; nor selection, oversight, or administration of EnviroWaste; nor routine access to information or other County resources that would be likely to benefit your outside employer. Furthermore, your outside employment would occur outside of your County hours and would be performed using your own hardware and software.

Opinion:

Based on the facts presented here, and after discussing this matter with your COM supervisor, we concur with her that your outside employment as a Website Content Writer for EnviroWaste does not create conflicting employment. This is because this vendor does not provide any service to the COM Department which employs you, and your public duties there would not include direct or

indirect contact with; nor selection, oversight, or administration of EnviroWaste; nor routine access to information or other County resources that would be likely to benefit your outside employer. See RQO 16-02 (No conflict of interest where a County employee works for a County vendor where the employee has no contact with or authority over the County contract with the vendor), and COE Outside Employment Guidelines (2017).

In addition, your outside employment would occur outside of your County hours and would not require use of County time or resources. Consequently, there is no overlap or likelihood of conflict between your public duties as a Web Publisher at COM and your proposed outside employment.

However, you must abide by certain limitations which include ensuring that you not use 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).

Furthermore, as long as you are engaged in outside employment you must obtain permission to engage in outside employment annually and file an affidavit annually to disclose your employment with a County vendor. Please note though that **you do not** have to file an outside employment financial disclosure form (Outside Employment Statement) while you are employed at the County on **part time 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.

# 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 Diane Arias (Check One):  
(Print or Type Name)

Am departmental Personnel (Department Head, County Attorney and Assistant County Attorney) or County employee serving as a(n) web publisher in the communications 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 Enviro Waste Services Group, a corporation, firm, partnership, or business entity as an writer; 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.

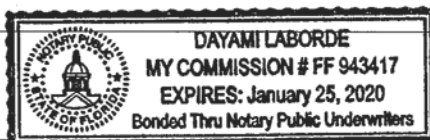
STATE OF FLORIDA  
COUNTY OF Miami Dade

Sworn to (or affirmed) and subscribed before me

this 13 day of February, 2019.

by Diane Arias  
(Name of Person Making Statement)

(Signature of Notary Public, State of Florida)



(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known to me \_\_\_\_\_ Or Produced Identification Florida Driver License Type of Identification Produced: Florida Driver License

**File this form with the Miami-Dade Clerk of the Board at [Clerk.Board@miamidade.gov](mailto:Clerk.Board@miamidade.gov).**





# 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.**

<b>Employee's Name</b> Diane Arias	<b>Employee ID Number</b> e312533
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### Present County Employment (check one)

<input checked="" type="checkbox"/> <b>County</b> <input type="checkbox"/> <b>Public Health Trust</b>	
<b>Department</b> Communications	<b>Position or Title</b> Web Publisher
<b>Job Responsibilities</b> Manage website updates and newsletters.	

### Proposed Outside Employment

<b>Name of Company/ Organization</b>	EnviroWaste Services Group
<b>Job Title</b>	Writer
<b>Responsibilities</b>	Write website content
<b>Location</b>	At home
<b>Work Schedule</b>	Evenings and weekends
<b>Total hours per week</b>	5-10
<b>Will your proposed outside employer release you if and when your services are needed by the County?</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	

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.

Diane Arias  
Employee's Signature

Feb. 12, 2019  
Date

[Signature]  
Department Director's Approval

\_\_\_\_\_  
Date