



Via First Class Mail  
and  
email at [MPina@ci.miami.fl.us](mailto:MPina@ci.miami.fl.us)

**ETHICS COMMISSIONERS**

August 3, 2010

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**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

Michelle Pina, Director  
Department of Employee Relations  
City of Miami  
P.O. Box 330708  
Miami, FL 33233-0708

Re: Police Lieutenant Richard Gentry's Outside Employment (INQ 10-138)

Dear Ms. Pina:

In a letter to our office on July 13, 2010, you asked for clarification of the City of Miami Conflicts of Interest Ordinance at Sec. 2-612 as it pertains to Police Lieutenant Richard Gentry's request for outside employment.

We find that Lieutenant Gentry's outside employment with Security Equipment Corporation does not violate the City Code because Lieutenant Gentry is not entering into any contract or transacting any business with the City, either directly or through a company in which he or an immediate family member has a financial interest.


We understand that the City of Miami Police Department purchases pepper spray from Security Equipment Corporation. Lieutenant Gentry is seeking to engage in outside employment with Security Equipment Corporation as an instructor of certification courses on the safe use of pepper spray. Lieutenant Gentry has stated that he does not wear Miami Police Department attire or utilize any training equipment, documentation, or any other items owned by the City while conducting outside employment. Additionally, all outside employment is conducted while he is off duty and not on City time.

Lieutenant Gentry's primary responsibilities with the City are to investigate burglaries. As a City employee, he does not conduct police training nor does he certify City police instructors on the safe use of pepper spray. Lieutenant Gentry has stated, and inquiries by our office have confirmed, that he has no procurement authority and does not participate in any way in the City's decisions to purchase pepper spray.

Although we conclude that Lieutenant Gentry's outside employment would not impair his independence of judgment in the performance of his public duties, final authority to approve outside employment ultimately resides with the

employee's supervisor. This opinion construes the City of Miami Conflicts of Interest Ordinance, which is in accord with the Miami-Dade County Ethics Code in this matter. Inquiries regarding possible conflicts under State law should be addressed to State of Florida Commission on Ethics.

Sincerely,



VICTORIA FRIGO  
Staff Attorney

copies:

- Gail Dotson, Assistant City Attorney, at [gadotson@miamigov.com](mailto:gadotson@miamigov.com)
- Frank Giallorenzo, Senior Labor Relations Specialist, at [FGiallorenzo@miamigov.com](mailto:FGiallorenzo@miamigov.com)