

**Frigo, Victoria (COE)**

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**From:** Frigo, Victoria (COE)  
**Sent:** Monday, April 19, 2010 11:32 AM  
**To:** 'JWright'  
**Subject:** INQ 10-72  
**Attachments:** Admin Order 7-1.pdf; Who\_Must\_File\_rev\_2010.pdf

Mr. Wright,

Your email of April 16 raises two issues—outside employment and county vendor applications.

**First, regarding outside employment**, attached are two documents that you may find informative. In general, a county employee may engage in incidental or occasional outside employment with the approval, in writing, of the employee's department head **and** if the outside employment is not contrary, detrimental, or adverse to the interests of the county and no county time, equipment, or material is to be used. Your situation may raise ethics concerns because your duties to the county as a security supervisor who contracts with security firms could possibly conflict with your private interests as a security business owner.

Please note that being incorporated as a business is not what triggers the requirement that you seek approval for outside employment. Rather, if you wish to provide a personal service to any person or to any entity other than the county, and you would typically be compensated for providing that service, you must first seek approval from your department director to engage in outside employment.

In the situation you discussed, if you and your sister create a corporation, and you provide some personal services to that corporation that would typically be compensated, you are engaged in outside employment, regardless of whether the corporation has done any business and regardless of whether you've earned any money.

**The second part of your question deals with vendor applications and a different set of potential conflicts of interest.** County employees are prohibited from doing business with their own departments, with departments at which their immediate family members work, or with any department the county employee exercises authority over. In general, based on the facts you've provided thus far, your private security corporation would not be allowed to enter into any contracts with WASD.

**Bottom line:** The ultimate decision of whether you may engage in outside employment resides entirely with your department director. However, if your department director seeks advice from the Ethics Commission about your particular set of facts, we would be happy to provide an ethics opinion.

If you have further questions, please feel free to contact me.

Sincerely,

[Victoria Frigo, Staff Attorney](#)

[Miami-Dade County Commission on Ethics](#)  
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**From:** JWright [mailto:[jbarrywright@aol.com](mailto:jbarrywright@aol.com)]  
**Sent:** Friday, April 16, 2010 6:51 PM  
**To:** Frigo, Victoria (COE)  
**Subject:** Request for Advisory Opinion

Ms. Frigo:

I am currently employed by Miami-Dade Water & Sewer as a Security Supervisor. As such, I am directly responsible for overseeing security companies that provide services to Miami-Dade Water & Sewer. My sister, a Miami-Dade School Board employee, and I desire to start a security firm and ultimately become a vendor for Miami-Dade County. The Department of Procurement Management has instructed me that in order for us to be certified as a minority vendor, it will be necessary for us to incorporate a company. Will incorporating a company necessitate me submitting a request for outside employment even though the firm would not be engaged in any work (i.e., RFQ, RFP)? If the answer is yes, would the outside employment pose a conflict of interest for me in my present position? An email response will suffice.

Name: James Wright  
Dept: Water & Sewer  
Title: Security Supervisor  
Bus. Name: N/A  
Bus. Title: N/A  
Type of Bus: N/A  
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Warm regards,

JAMES B. WRIGHT