

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Thursday, December 01, 2011 2:55 PM  
**To:** Miglio, Giulio (PWWM)  
**Cc:** Centorino, Joseph (COE); Marin, Octavio (PWWM)  
**Subject:** Outside employment as a qualifier (INQ 11-179)  
**Attachments:** RQO 08-29 Diez, O. Final Letter.pdf; RQO 08-45 Gonzalez, J. Final Letter.pdf

TO: Giulio Miglio, Highway Division, Public Works & Waste Management Dept.

Mr. Miglio,

You asked for an ethics opinion regarding engaging in outside employment as a construction qualifier. Secs. 2-11.1 (j) & (k) of the County Ethics Code as well as Administrative Order 7-1 apply.

You stated that you are a Highway Division employee whose primary duties involve reviewing plans. You would like to activate your Public Works Engineering Contractor License and work as a "qualifier" for a construction company that remodels private property.

As we discussed on the phone yesterday, we are hesitant to give a blanket endorsement of outside employment to qualifiers because a qualifier must be present on the private job site during regular business hours. Depending on the circumstances, a qualifier who leaves his County job to attend to private business could violate the Ethics Code.

A County employee's first duty is always to the County. According to Administrative Order 7-1, "County business must be conducted free of the influence of employees' personal and private financial interests, both in appearance and in fact." The County Ethics Code further states that a County employee may not accept outside employment that "would impair his or her independence of judgment in the performance of his or her public duties." *See* County Code at Sec. 2-11.1 (j).

I'm attaching two ethics opinions given to municipal employees who sought to work on private construction projects. In both cases, they were either required to hire a separate qualifier or assign another private employee as a qualifier, in addition to following numerous other safeguards, to insure that their responsibilities to their governments remained paramount. *See* RQO 08-29 and RQO 08-45.

Thank you for asking for our opinion on this matter. However, the ultimate decision to approve or disapprove of outside employment resides completely with your supervisor.

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

Sincerely,

**VICTORIA FRIGO, STAFF ATTORNEY**

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**From:** Miglio, Giulio (PWWM)  
**Sent:** Tuesday, November 15, 2011 11:17 AM  
**To:** Ethics (COE)  
**Subject:** outside employment

I'm a PWWM Highway Division employee interested in obtaining approval for outside employment. My request for outside employment will be to activate my Public Works Engineering Contractor License as a "qualifier" for a construction company to perform work (mainly remodeling related construction) within private property. Please advise should there be a "Conflict of Interest or Ethic" associated my request. Please do not hesitate to e-mail or contact me at (305) 375-2854 for any additional information that you may require. Thanks.