

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, December 15, 2011 10:42 AM
To: Garcia, Rosanne (MDFR)
Cc: jgagliano@lifesafetyservices.org; Centorino, Joseph (COE)
Subject: Ethics Opinion re Joseph Gagliano (INQ 11-188)

TO: Rosy Garcia, Fire Safety Inspector 1, Fire Engineering & Water Supply Bureau

Ms. Garcia,

You asked if Joseph Gagliano, an independent contractor with the Fire Rescue Department, has conflicting employment teaching entry-level Life Safety Inspectors at the Fire Rescue Department and, at the same time, representing private clients on fire and building code issues before Fire Department Inspectors.

We understand that Mr. Gagliano was formerly employed by the Miami-Dade Fire Rescue Department and retired in September 2006.

Based on the facts you presented, Mr. Gagliano's simultaneous work as an instructor and appearances on behalf of clients at the Fire Rescue Department do not violate the County Ethics Code. Conflicting employment is prohibited under the County Code at Sec. 2-11.1 (j). Post-employment restrictions found at Sec. 2-11.1 (q) are not violated because Mr. Gagliano left County service over two years ago.

Although we find no *per se* conflict regarding Mr. Gagliano's employment, please be advised that Mr. Gagliano may not exploit his position with the County as an independent contractor to obtain special benefits for himself or his clients (Sec. 2-11.1 (g)) and he may not disclose any confidential information he obtains through his work with the Department (Sec. 2-11.1 (h)).

Please feel free to contact me if you have additional questions.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY

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From: Garcia, Rosanne (MDFR)
Sent: Wednesday, December 07, 2011 8:41 AM
To: Ethics (COE)
Cc: Tola, Tony (MDFR)
Subject: Opinion Request

Good morning.

The Miami Dade Fire Rescue Department, Fire Prevention Division would like to request an opinion. Currently, the department has a contract with a Fire Life Safety Instructor to teach entry level life safety inspectors. This instructor is also a senior consultant representative for project owners within Miami Dade County and surrounding cities for existing

buildings with fire code related issues that require his knowledge and expertise. We would like to clarify whether this would be considered a conflict of interest between mentioned parties?

Rosanne Garcia, "Rosy"

Fire Safety Inspector 1

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