

Meyers, Robert (COE)

FINO 11-24

From: Meyers, Robert (COE)
Sent: Wednesday, February 16, 2011 11:44 AM
To: Hall, Beverly (GSA)
Subject: RE: Question

Ms. Hall:

If I understand the facts correctly, Mr. Dareff has a website which displays his photography. Furthermore, he is not commissioned or hired to take the photographs in the first place, he is not engaged in marketing the photos that appear on his website and he devotes virtually no time to this undertaking. Finally, it appears from the e-mail exchange that someone can purchase photographs from his website.

Under the circumstances, these activities amount to outside employment. There is a commercial purpose to this website, as the photographs on his site are for sale and he potentially profits from the transactions. The fact that he spends no time marketing his pictures or the site is not relevant – the website itself is a marketing tool as long as it is an active site that has not been taken down. If he were simply displaying photos he takes in his spare time for others to view but not purchase, my opinion would be different.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust

From: Hall, Beverly (GSA)
Sent: Monday, February 14, 2011 4:24 PM
To: Meyers, Robert (COE)
Cc: Alfonso, Daniel (GSA)
Subject: FW: Question

Please see the questions/responses of an employee who does photography on the side. He has a website from which someone could buy a picture if they wanted but does nothing to sell or market the pictures. Is he required to file outside employment?

From: Dareff, Martin (GSA)
Sent: Monday, February 14, 2011 12:06 PM
To: Alfonso, Daniel (GSA)
Cc: Hall, Beverly (GSA)
Subject: RE: Question

I have some questions that if you answer may clarify the situation.

I infer from your statement that you were not commissioned or hired to take the picture in the first place, correct? **That is correct, not commissioned or hired to take the pictures.**

Do spend time developing your photography hobby as a business; that is to say are you actively engaged in marketing your portfolio of photographs to possible buyers? **Not, I am not actively engaged in marketing my pictures.**

Please answer this question and perhaps we can give you a more informed response. **I would say in an average week I spend zero hours a week taking, marketing or selling.**

I would note I have a web site from which someone could buy a picture if they wanted to, although I a, not engaged in actively managing or marketing the site for any commercial purpose at this time, in the expected future during my county employment or in the past. I am asking so I run a zero probability of reading another moronic inaccurate report from the IG in 2011 or 2012.

In either case, if you file the form and note that you spend xx number of hours per week on photography related business then you don't have to worry about a situation like this one.

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Martin I. Dareff, CPPO Lifetime
GSA Manager
Fleet Management Division
111 NW 1st Street Ste # 1050
Miami Florida, 33128

305-375-2302 Office
305-375-2289 Fax

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From: Alfonso, Daniel (GSA)
Sent: Monday, February 14, 2011 11:57 AM
To: Dareff, Martin (GSA)
Cc: Hall, Beverly (GSA)
Subject: FW: Question
Importance: High

Mr. Dareff I am forwarding your question to the experts....

I have some questions that if you answer may clarify the situation.

I infer from your statement that you were not commissioned or hired to take the picture in the first place, correct?

Do spend time developing your photography hobby as a business; that is to say are you actively engaged in marketing your portfolio of photographs to possible buyers?

Please answer this question and perhaps we can give you a more informed response.

In either case, if you file the form and note that you spend xx number of hours per week on photography related business then you don't have to worry about a situation like this one.

Daniel J Alfonso
305-375-2236

<http://intra.miamidade.gov/gsa/>

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

From: Dareff, Martin (GSA)
Sent: Monday, February 14, 2011 11:49 AM
To: Alfonso, Daniel (GSA)
Subject: Question
Importance: High

If someone buys a photograph I took (photo not taken or sold during my County business hours, and we are talking chump change) is that considered "Outside Employment" as defined by the County?

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