

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Thursday, August 16, 2012 1:10 PM  
**To:** Brewer-McDuffie, Cecilia (WASD)  
**Cc:** Centorino, Joseph (COE)  
**Subject:** Margaret Gachelin Outside Employment (INQ 12-140)

Ms. Brewer-McDuffie,

You asked if the Ethics Code would prevent Ms. Gachelin from engaging in outside employment with Aflac, a company that has contracted with the County to provide discounted rates on supplemental insurance to County employees.

As a business process specialist with the Water and Sewer Department, Ms. Gachelin has access to customer information, County employee information and accounting operations. The Aflac discount is available to County employees at <https://secure.miamidade.gov/enet/wps/portal/money>.

In general, the County Code prevents Ms. Gachelin from using County customer and employee information to benefit her private business. Also, she may not meet with County staff to lobby on behalf of Aflac or Aflac clients.

If outside employment is approved by her supervisors, we strongly recommend that Ms. Gachelin avoid selling or attempting to sell Aflac products to County employees during regular working hours. We also recommend that Ms. Gachelin submit a list of her private clients to her department supervisors quarterly for evaluation as to any potential conflicts.

Several sections of the County Code relate to the facts presented:

- Sec. 2-11.1 (j) prohibits a County employee from accepting outside employment that will impair her independence of judgment in the performance of her public duties. A County employee's primary loyalty must always be to the County.
- Sec. 2-11.1 (g) prohibits a County employee from using her official position to secure special privileges or exemptions for herself or others.
- Sec. 2-11.1 (h) prohibits a County employee from disclosing confidential information acquired by reason of her County position or using this information for personal gain.
- Sec. 2-11.1 (m) prohibits a County employee from lobbying County staff on behalf of third parties.

In a series of opinions, the Ethics Commission has provided guidance to government employees whose outside employment could lead to possible conflicts. (See, for example, RQO 08-45, RQO 08-29, RQO 05-15 and RQO 05-09.)

Finally, Sec. 2-11.1 (f) requires that as a County employee working for a County contractor, Ms. Gachelin must file a sworn statement disclosing her employment and interests with the contractor to the Clerk of the Circuit Court. (We also recommend filing the statement with the Clerk of the Board of County Commissioners and the Elections Department.)

We emphasize that the County Ethics Code represents a minimal standard of conduct for County employees. Supervisors should carefully consider the totality of the circumstances before approving any action that could possibly erode the public's trust

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

Sincerely,

**VICTORIA FRIGO, STAFF ATTORNEY**

Phone: 305 350-0601

Fax: 305 579-0273



19 West Flagler St., Suite 820

Miami, FL 33130

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**From:** Brewer-McDuffie, Cecilia (WASD)

**Sent:** Tuesday, August 07, 2012 6:54 PM

**To:** Ethics (COE)

**Subject:** Opinion Requested

Per the attached, an employee (Margaret Gachelin) is requesting to work with a company, AFLAC, that provides services for county employees. Can you please review to provide an opinion in this situation to determine if a conflict of interest exists? Thank you.

**Cecilia Brewer-McDuffie**

Chief, Human Resources

Miami-Dade Water and Sewer Department

Office - 786-552-8669; Fax - 786-552-8880

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