

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, June 27, 2013 4:19 PM
To: Zinati, Leila (MDPD)
Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: INQ 13-159 Outside Employment Filing Requirements

Ms. Zinati,

An employee who owns a business—but provides no personal services to the business that are customarily eligible to be compensated—is *not* engaged in outside employment.

You stated that a County employee owns a business that is operated by his parents. The County employee has provided financial resources to establish the business, and he receives a share of the profits from the business.

Based on these facts, the County employee appears to have a passive investment, which is different from engaging in outside employment. Passive investors generally put money into a company in order to receive a financial gain on their investment; their financial gain is not a payment made in return for personal services provided to the company.

I'm sorry that you have not been available this week to discuss this at greater length. If you have additional questions, please feel free to contact me.

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

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Miami, FL 33130

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-----Original Message-----

From: Ethics (COE)
Sent: Monday, June 17, 2013 10:09 AM
To: Frigo, Victoria (COE)
Subject: FW: 2013 - Outside Employment Filing Requirements
Importance: High

-----Original Message-----

From: Zinati, Leila [mailto:lzinati@mdpd.com]
Sent: Monday, June 17, 2013 9:11 AM
To: Frigo, Victoria (COE)
Cc: Ethics (COE)

Subject: FW: 2013 - Outside Employment Filing Requirements

Importance: High

Hello Ms. Frigo,

Ms. Carmen Bofill referred me to you. We have an employee who is unsure whether or not he must request outside employment/file statement etc.

His situation is as follows: His parents own a business, they are using his name & good credit to run the business, he gets profit sharing at the end of the year, he declares it to the IRS, BUT he DOES NOT physically work at said business at all. Please let me know, so that we can be in compliance if needed.

Is there a more detailed description of situations wherein employees must request/file? Or anything that specifies, "must physically work at a job" or not, that might help us in the future?

Your help in this matter will be greatly appreciated.

Sincerely

Leila Zinati, Human Resources Manager
Personnel Management Bureau
Miami-Dade Police Department
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Miami, Florida 33172
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Think Green. Please only print this e-mail if you need to.

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