

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, March 07, 2013 3:16 PM
To: Finol, Ana (MDPR)
Cc: Navarrete, George (MDPR); Centorino, Joseph (COE)
Subject: Outside Employment County Vendor (INQ 13-57)
Attachments: Outside_Employment_Guidelines.pdf

Ms. Finol,

You stated that your supervisor, Deputy Director George Navarrete, has inquired about possible ethics conflicts if you were to engage in outside employment as a qualifier for DAF Construction Inc. This question invokes several sections of the County Ethics Code.

RE: Sec. 2-11.1 (j), Conflicting Outside Employment and
Sec. 2-11.1 (g), Exploitation of Official Position

Based on Ethics Commission precedent, we recommend that you be *denied* permission to engage in outside employment as a qualifier. Working as qualifier for a private construction company is likely to conflict with your duties to the County because qualifiers are required at times to be on job sites during regular business hours. This could place you in a situation of conflicting loyalties, *i.e.*, whether to benefit your private employer to the detriment of the County.

Please note that outside employment is defined as any non-County employment or business relationship in which the County employee provides *a personal service* to the non-County employer that is compensated or *customarily eligible to be compensated*. Although you do not anticipate being compensated for your work with DAF Construction Inc., you would, nevertheless, be engaged in outside employment if you served as a qualifier, a service that is customarily compensated.

We have advised city employees with private construction companies that they themselves must not serve as qualifiers for their own companies. *See* Ethics Opinion RQO 08-29 to Orlando J. Diez, II, a City of Miami Construction Manager, and Ethics Opinion RQO 08-45 to Emanuel Mayer, a Miami Beach Construction Advisor.

RE: Sec. 2-11.1 (c)(2), Contracting with the County and
Sec. 2-11.1 (o), Acquiring Financial Interest

DAF Construction Inc. may qualify as a County vendor, but with limitations if any of its *owners*, with a 10% or more ownership interest, are employed by, or served as elected or appointed officials in, Miami-Dade County.

If you currently have a financial interest in DAF Construction Inc. or you acquire a financial interest in the future, DAF must disclose that ownership interest immediately to the County. Your ownership interest in DAF would result in DAF not being allowed to bid on contracts with the Parks Department.

Attached is a memo summarizing issues related to outside employment. Please feel free to contact me if I can be of further assistance.

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

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From: Finol, Ana (MDPR)
Sent: Wednesday, March 06, 2013 12:47 PM
To: Ethics (COE)
Subject: Request for a Conflict of Interest Opinion

Good Afternoon,

I am a Miami-Dade County employee working for the Parks, Recreation and Open Spaces Department as a Capital Improvements Manager for the Budget, Scheduling and Estimating Section. I have a State General Contractor's License and the County's General engineering license. Due to the County's reorganization, last year my position was eliminated and I was demoted to a position I did when I started my career in the County almost 15 years ago. Since my salary has been reduced and I'm a single mother with two kids I would like to qualify a company that my friend owns (DAF Construction). I will get involve only after my working hours and if required on the weekends. I would like this company to become a vendor for Miami-Dade County and as required, would like to obtain a conflict of Interest Opinion from the Miami-Dade County Commission on Ethics and Public Trust (COE).

At your earliest convenience, please render an opinion on this matter.

Thank you,

Ana M. Finol, P.E., Capital Improvements Manager
Budget, Scheduling and Estimating Section
Miami-Dade County Parks, Recreation & Open Spaces Dept.
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