

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Monday, April 15, 2013 3:06 PM
To: Solis, Lazaro (PA)
Cc: Lopez-Cantera, Carlos (PA); Centorino, Joseph (COE)
Subject: Outside Employment Opinion (INQ 13-88)
Attachments: Outside_Employment_Guidelines_2013.pdf

Mr. Solis,

We have considered your request for an ethics opinion and recommend that, in order to avoid a potential conflict of interest, you decline working as a consultant with a Colombian company to develop IT programs to be used in property-tax searches.

The Miami-Dade County Code at Sec. 2-11.1 (j) prohibits you from engaging in outside employment if the outside employment would impair your independence of judgment in the performance of your public duties.

Based on the facts you presented, a conflict is created largely because of your heightened position and the breadth of your responsibilities as Deputy Property Appraiser.

Not only do you administer the day-to-day operations of the Office of the Property Appraiser and oversee 375 employees, as Deputy, you are specifically identified in the County Code as the person who assumes the duties of office and acts as the Property Appraiser in the event of a vacancy by the Property Appraiser. *See* Miami-Dade County Code at Sec. 2-69 (g).

The duties and powers of the Acting Property Appraiser are identical to those of the Property Appraiser and include not only ultimate authority to determine the value of real and personal property in Miami-Dade County, but also the ability to sue and be sued in your name and official capacity, to enter into interdepartmental agreements with other County departments, and to enter into agreements with third parties. *See* Miami-Dade County Code at Sec. 2-70.

Consequently, individuals in executive-level positions such as yours must be available to conduct County work far beyond “normal business hours.” To be engaged by an outside employer—even during weekends, after hours, or on vacation time—may conflict with your duties to the County.

Another indication of conflicting employment is that your proposed private consulting work is related to your work with the County. Although you have not been involved in the development of data banks and IT programs that allow for property searches in the County, the fact that you are intimately familiar with these programs suggests that opportunities to use County resources for private gain could arise—albeit unintentionally. *See* County Code at Sec. 2-11.1 (g).

This opinion is not meant to imply that you would not perform your responsibilities to the County honorably if you were to accept the outside employment. However, the County’s Administrative Order AO 7-1 states, “County business must be conducted free of the influence of employees’ personal and private financial interests, both *in appearance* and in fact.” The appearance of impropriety standard aims to be preventative in nature.

Thank you for contacting our office and seeking guidance on this complex issue. Please feel free to call on us if we can be of further assistance.

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

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From: Solis, Lazaro (PA)
Sent: Wednesday, April 03, 2013 5:56 PM
To: Frigo, Victoria (COE)
Cc: Centorino, Joseph (COE)
Subject: RE: Outside Employment Opinion

Good afternoon Victoria,

Based on our conversation, I am attaching a copy of our Office's Standard Condition for Outside Employment form and the Request for Approval of Outside Employment form.

As I mentioned earlier, the Florida Department of Revenue requires an employee of the Property Appraiser, myself included, to sign a confidentiality agreement when the employee has access to confidential State data, such as social security numbers, income and expensed information or any other confidential information pursuant to State statute.

Should you need any additional information, please let me know.

Thank you.

Lazaro Solis

Deputy Property Appraiser
Miami-Dade County - Office of the Property Appraiser

Phone: 305-375-4004
Email: SolisL@miamidade.gov

From: Solis, Lazaro (PA)
Sent: Tuesday, April 02, 2013 10:20 AM
To: Centorino, Joseph (COE)
Cc: Sanchez, Gerald (CAO)
Subject: Outside Employment Opinion

Good morning Mr. Centorino,

I would be grateful if you would provide me with an advisory opinion whether I may engage in outside employment consistent with the requirements of the conflict of interest and code of ethics ordinance.

The relevant facts are as follows:

I am currently employed by the Miami-Dade County Office of the Property Appraiser as the Deputy Property Appraiser. My responsibilities include the oversight and management of 375 employees and the administration of the County's ad valorem tax roll. My financial authority is that of an executive with full approval of all budgetary, fiscal and personnel matters pertaining to the Office.

I have been approached by a foreign company based out of Columbia (the "Company") and have been offered a part-time Information Technology (IT) consulting job. As an IT consultant, I would be providing advice and guidance based on my professional experience. This work would be performed afterhours and weekends and would not interfere with my current duties as Deputy Property Appraiser. No work would be done during regular work hours nor would any County resources be used at any time. There may be some travel on weekends. However, any travel that may extend into my regular work days would be taken as part of my personal leave (i.e. annual leave). The duration of this engagement is unknown at this time but it is expected to last at least one year.

Lastly, should any issue arise regarding the valuation of any property owned by the owners of the Company, I would recuse myself as it relates to my duties as Deputy Property Appraiser.

Please let me know if you require any additional information. I look forward to your response.

Thank you.

Lazaro Solis

Deputy Property Appraiser
Miami-Dade County - Office of the Property Appraiser

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