
From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, June 18, 2014 4:14 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Ethics Opinion - Fratz Devilme (gifts) INQ 14- 143

INW 14-143

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, June 18, 2014 4:13 PM
To: Devilme, Frantz (Aviation)
Cc: Centorino, Joseph (COE)
Subject: Ethics Opinion - Fratz Devilme (gifts) INQ 14- 143

Mr. Devilme:

You asked the Ethics Commission about restrictions and potential conflicts of interests that may arise from your County employment as a property manager in the Aviation Department and your simultaneous service as an unpaid volunteer in a nonprofit 501 (c)(3) that you co-founded.

Background

You are employed by the County as a property manager in the Aviation Department. You are also the co-founder and president of Toys for the Poor Foundation, Inc. (TFTP) a not for profit 501(c)(3) corporation registered in the State of Florida which collects funds to purchase toys for distribution at Christmas time in the Little Haiti area. You do not receive compensation for your work as president of TFTP.

UPS Corporation (UPS) is a tenant in one of the County properties that you manage in your County employment. You advise that you are not involved with the negotiation or oversight of the UPS contract with the County.

UPS runs the UPS Foundation, a non-profit 501(c)(3), which accepts applications for grants from a wide variety of local, national and global communities. Although the application process is closed for 2014, you would like to apply for a UPS grant for TFTP in the future.

Potential conflicts may occur under the facts you've described. Although not all-encompassing, the following sections of the County and Ethics Code may apply:

- County Ethics Code at § 2-11.1 (e) – Employees are prohibited from soliciting any gifts (except in limited circumstances) or accepting any gift provided in exchange for official action. Although, applying for and receiving a grant from a 501(c)(3) is not prohibited by the Ethics Code, we would caution you that applying for a grant from the nonprofit UPS Foundation may give the appearance of impropriety due to the fact that UPS is a tenant in one of the County buildings you are responsible for overseeing as property manager for the Aviation Department. We strongly suggest that you avoid personally applying for such a grant, and consider having the application submitted by a TFTP representative who is *not* a County employee in order to avoid direct contact between you and UPS on this matter.
- Miami-Dade County Code at §. 2-11. and County Ethics Code at § 2-11.1 (j).- In general, a fulltime County employee must not engage in outside employment that would conflict with his duties to the County or impair

his independence of judgment in the performance of his public duties. See § 2-11.1 (j). However, serving as a non-paid volunteer officer of a nonprofit entity is generally not considered “outside employment” as defined in the Miami-Dade County Code at §. 2-11. Consequently, unpaid service as President of TFTP, is not subject to the prohibition against conflicting employment found in the County Ethics Code at Sec. 2-11.1 (j) and would not require you to file the County Permission for Outside employment form or the Outside Employment Statement.

- County Ethics Code at § 2-11.1 (g) -This section of the Ethics Code would prohibit you from using your position to obtain special benefits for TFTP.
- County Ethics Code at § 2-11.1 (m) - Would prohibit you from appearing before any County board or agency to make a presentation or to seek a benefit on behalf of TFTP. This means, means that you, personally, may not try to influence any County staff member or elected official regarding a contract between the TFTP and the County.

This opinion is based on the facts you have presented. If any of these facts change, or if you have any further questions please do not hesitate to contact us.

Best regards,
Gilma (Mimi) Diaz-Greco
Staff Attorney



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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: Devilme, Frantz (Aviation) [<mailto:FDevilme@miami-airport.com>]
Sent: Monday, June 16, 2014 10:56 AM
To: Diaz-Greco, Gilma M. (COE)
Subject: Info about UPS grant

Good morning,

Thank you for following up with me this morning. I spoke to Jennifer Villareal from UPS and she told me that they run out of money for this year and I won't be able to get any money for this year, I will have to wait for next year in order to apply for the possible grant. Each applicant has to submit a presentation or a portfolio of their organization and prove to UPS the reason of their request and UPS has a committee that will decide whether or not to allocate some of their portfolio to this organization or not. I found a link, see below

<http://pressroom.ups.com/Press+Releases/Archive/2012/Q1/The+UPS+Foundation+Donates+%246M+to+Champion+Diversity>

<http://charity.lovetoknow.com/ups-charitable-giving>

Best Regards,

*Frantz Devilmé
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From: Diaz-Greco, Gilma M. (COE) [<mailto:GDIAZGR@miamidade.gov>]
Sent: Monday, April 14, 2014 1:47 PM
To: Devilme, Frantz (Aviation)
Subject: FW: Info about a foundation

Mr. Devilme,

I have been assigned this matter. I will need additional details in order to respond. I will call you to discuss this matter as soon as I am able.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Devilme, Frantz (Aviation) [<mailto:FDevilme@miami-airport.com>]
Sent: Monday, April 14, 2014 12:36 PM
To: Ethics (COE)
Subject: Info about a foundation

Good afternoon,

I am the co-founder and president of a nonprofit 501 ©3 Foundation registered in the State of Florida. I would like to know the procedure about a few things. Do I need an outside employment form fill out for that? It's only volunteer work, I do not get paid at all.... I work at the Aviation Department as a property manager, and one of our tenants has a grant program available to our type of Foundation, can the Foundation apply for the tenant's grant program and receive money from the tenant's grants while the tenant may be one of my clients. Please advise what to do if there is a way to do it, I would like to know the proper way please.

Best Regards,

Frantz Devilmé

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