
From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, September 15, 2014 10:54 AM
To: Sanchez, Rodzandra (COE)
Subject: Daniel Payne, Chief of Security - ISD (Outside Employment Opinion) INQ 14-215

INQ 14-215

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, September 15, 2014 10:54 AM
To: Payne, Daniel (ISD)
Cc: Centorino, Joseph (COE)
Subject: Daniel Payne, Chief of Security - ISD (Outside Employment Opinion) INQ 14-215

Dear Mr. Payne:

It was a pleasure speaking with you. You have inquired if you would be required to obtain permission to engage in outside employment where you provide human resource consulting services to a closely held family business.

As background, you advise that your wife is part owner of a closely held privately owned business. You serve as a board member for the corporation and also provide human resources consulting services to the corporation.

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*. See INQ 13-34 and INQ 12-131. Therefore, the question is not whether the employee is receiving or not receiving income, but whether the employee is **providing a personal service**. *Id.* Providing human resource consulting services is a personal service that is customarily compensated and would consequently be considered outside employment which would require completing the Request for Outside Employment form yearly and filing the Outside Employment Statement form by July first. See County Code at Section 2-11.1(K).

Please contact us if you any further questions.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
gdiazgr@miamidade.gov
www.facebook.com/MiamiDadeEthics

From: Payne, Daniel (ISD)
Sent: Monday, July 21, 2014 10:48 AM
To: Diaz-Greco, Gilma M. (COE)
Subject: RE: Outside Employment Opinion
Importance: High

Ms. Diaz-Greco,

Thank you for your quick response, please see the requested information below:

- 1- What are the names of the institution(s) or corporation(s) in which you serve as a board member? Jay Scotts Company is a closely held family business.
- 2- Are these corporations owned by you or by close family members? My wife holds 25% of the stocks.
- 3- You advise that you serve as vice-president, assistant secretary, etc. Do you hold these position as a corporate officer, or as part of a corporate board? As a corporate board member.
- 4- Describe your responsibilities in each of these positions. Upon request I provide advice regarding the operations of the business, however I am not compensated for my role.

Daniel J. Payne, Chief of Security
Miami-Dade County
Internal Services Department
Security Management
Telephone 305-375-1011
Fax 305-372-6020
Emergency Contact 305-375-4500

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, July 21, 2014 8:58 AM
To: Payne, Daniel (ISD)
Subject: RE: Outside Employment Opinion

Mr. Payne,

I am in receipt of your email. I would need additional information in order to respond.

- 5- What are the names of the institution(s) or corporation(s) in which you serve as a board member.
- 6- Are these corporations owned by you or by close family members?
- 7- You advise that you serve as vice-president, assistant secretary, etc. Do you hold these position as a corporate officer, or as part of a corporate board?
- 8- Describe your responsibilities in each of these positions.

Thank you and best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney

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From: Payne, Daniel (ISD)
Sent: Friday, July 18, 2014 6:02 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: Outside Employment Opinion
Importance: High

Hello Ms. Diaz-Greco,

I have been referred to you by one of your peers Ms. Sylvia Batista whom I have worked with in the past. I'm requesting an opinion regarding the requirement to report outside employment to ensure I am in total compliance. As I understand the June 2014 Outside Employment Guidelines regarding Board Membership For-Profit Corporations I am not required to report as the positions in which I have been named are symbolic in nature, uncompensated and I am not actively involved in the management of the entity. The titles in which I have been named are Vice President, Assistant Secretary and Director. My concern is with how the Commission on Ethics and Public Trust defines actively involved?

I thank you in advance for your assistance in this matter.

Daniel J. Payne, Chief of Security
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