

Diaz-Greco, Gilma M. (COE)

From: Daily, Dolores (COC)
Sent: Monday, January 27, 2014 12:30 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: RE: Request for ethics opinion INQ 14--21

Thank you will submit the form for approval to my superiors.

Dolores Daily, Computer Services Manager

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, January 27, 2014 12:28 PM
To: Daily, Dolores (COC)
Cc: Centorino, Joseph (COE)
Subject: RE: Request for ethics opinion INQ 14--21

Ms. Daily,
Dear Ms. Daily,

You have provided us with additional information regarding this matter. You advise that 5 properties are rented though the trust and that you serve as the president of the trust which bears your name and you husband's name, the Michael Daily & W Dolores TSR. Since you are the president of the trust that holds these properties, this would constitute ownership and an active management role in this trust and you would therefore be required to complete all of the requirements of outside employment.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney

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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

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From: Daily, Dolores (COC)
Sent: Monday, January 27, 2014 12:08 PM
To: Diaz-Greco, Gilma M. (COE)
Cc: Centorino, Joseph (COE); Ramos, Miriam S. (COE)
Subject: RE: Request for ethics opinion INQ 14--21

Thank you for the provided information. Let me add the following:

There are multiple rentals (5) five of them that are in the Michael Daily & W Dolores TSR. Although, I am the president of the trust and Michael is the vice-president, Michael is the one that it is actively involved on the day to day operations. Michael is retired and have the time and desire to do all required work i.e. showing the properties for rental when vacated, contracting services for repairs, collecting rentals, managing contracts and back account, etc.

For few years I did file "Outside employment" but when properties were transferred to the Trusts and since I do not perform any administrative work for them I stop submitting the form. Taking the Ethics course recently, triggers the concern, of being in compliance with the County's rules and regulations.

Please call me if further information or discussion is required. Again thank you for taking the time to respond.

Dolores Daily, Computer Services Manager

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, January 27, 2014 10:13 AM
To: Daily, Dolores (COC)
Cc: Centorino, Joseph (COE); Ramos, Miriam S. (COE)
Subject: Request for ethics opinion INQ 14--21

Ms. Daily,

You inquire whether there is a deadline regarding submitting a request for outside employment. Employees should seek permission from their supervisor prior to engaging in outside employment. It would definitely be necessary to obtain this permission prior to the deadline for filing the Outside Employment Statement which must be filed with the County Elections Department by July 1st of each year. The outside employment link at the Elections Department website contains outside employment information, forms, and filing instructions. If you have not had the opportunity to review the requirements and forms for outside employment I am including the link below which you may find useful:
http://www.miamidade.gov/elections/employment_outside.asp

Further, you inquire whether rental properties that are held, not in your name, but rather in a trust would constitute outside employment. The County Ethics Code at Sec. 2-11.1 (j) addresses outside employment and prohibits County employees from accepting outside employment that would impair their independence of judgment in the performance of their public duties. Filing requirements for outside employment are addressed by County Ethics Code at Sec. 2-11.1 (j) which is the basis for the procedures and forms listed above.

In this case, if you rent three or more units of real estate (for example a duplex would be counted as 2 units), the Ethics Commission has opined that this would constitute outside employment. However if rental properties are managed by an independent Real Estate management company rather than by the County employee, then it would not be considered outside employment. Here, you advise that these properties are not held in your name, but rather are held in a Trust. Assuming that you are renting there or more units, it would be necessary to obtain additional information about the trust. There are many variations of these legal vehicles of ownership and more information may be needed to fully analyze the outside employment issue. However, if you are actively involved in the day to day management of these rental properties, it would clearly be considered outside employment and the outside employment requirements would have to be met.

I hope this has been helpful. Please do not hesitate to contact me if you have any further questions.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney

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From: Daily, Dolores (COC)
Sent: Monday, January 27, 2014 8:14 AM
To: Ramos, Miriam S. (COE); Diaz-Greco, Gilma M. (COE)
Subject: RE: Question

Is there a deadline to submit outside employment approval request? I have not submitted one yet as I have not received a response to my previous question (below). Please respond at your earliest convenience.

Thank you

Dolores Daily, Computer Services Manager

From: Ramos, Miriam S. (COE)
Sent: Thursday, January 23, 2014 12:26 PM
To: Daily, Dolores (COC)
Cc: Diaz-Greco, Gilma M. (COE)
Subject: RE: Question

Ms. Daily,

I have been in meetings all morning. I received your message and was preparing to return your call. I am copying our Staff Attorney on this e-mail. She will respond to your question when she is able.

Sincerely,

Miriam S. Ramos, Esq.
Deputy General Counsel

<< OLE Object: Picture (Device Independent Bitmap) >>

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From: Daily, Dolores (COC)
Sent: Thursday, January 23, 2014 12:18 PM
To: Ramos, Miriam S. (COE)
Subject: Question

Miriam:

Called you various times but got your voice mail. Left a message but as you have not responded yet, will go ahead and pose my question.

If rental properties are not in my name but a Trust. Do I need to file Outside Employment request? Please respond at your earliest convenience.

Thank you.

Dolores Daily, Computer Services Manager
Miami-Dade County Clerk of Courts
175 NW 1st Avenue, 27th Floor, Miami, FL 33128
☎ 305 349-5786/786 449-4678 (cell)
miamidade.gov

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