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February 27, 2017

Eric Hansen
Recreation Planning and Program Development
Miami-Dade County Parks, Recreation and Open Spaces Department
Planning and Research Division
275 NW 2nd Street
Suite 424
Miami, Florida 33128

Re: **RQO 17-01**
Conflicting Outside Employment
Miami-Dade County Code at §2-11.1(j)

Dear Mr. Hansen:

At a public meeting on February 8, 2017, the Miami-Dade Commission on Ethics & Public Trust opined that (1) Mr. Hansen's participation in the Robert Wood Johnson Foundation's Interdisciplinary Research Leaders (IRL) program is considered outside employment; and (2) Mr. Hansen's outside employment, participating in the IRL program, is not likely to conflict with his duties to the County as a Manager in the Miami-Dade County Parks, Recreation and Open Spaces Department (PROS), Planning and Research Division.

AS BACKGROUND, Mr. Hansen is an employee of the County's Parks, Recreation and Open Spaces Department (PROS). His job duties in PROS include researching recreation trends and surveying the needs of the community. He works to plan and develop recreation programs to meet those needs. He works in partnership with

other County Departments, Miami-Dade County Public Schools, the University of Miami, Florida International University, and Miami-Dade College, among others.

PROS has and will continue to apply for grant funds and awards from various sources, including the Robert Wood Johnson Foundation (RWJF).¹ Although Mr. Hansen occasionally provides language to include in PROS's grant requests to RWJF, he has no oversight or input as to how grant proceeds received are actually spent.

Recently, Mr. Hansen was invited to participate in the RWJF IRL program. The broad goal of the IRL program is to produce diverse interdisciplinary leaders who conduct and apply high-quality, community-engaged, action-oriented, equity-focused health research in order to improve the health of communities. The two topic areas that the IRL cohort will focus on are 1) youth development approaches for the prevention of violence and promotion of health; and (2) community and individual resilience and health.

A. Mr. Hansen's participation in the IRL program is considered outside employment

Section 2-11 of the Miami-Dade County Code requires that any full-time County employee obtain approval in writing from his/her department head before engaging in outside employment. Outside employment is subject to conflict of interest and disclosure requirements in the County's Ethics Code, Section 2-11.1. In previous opinions, the Ethics Commission has generally defined outside employment as non-County employment or business relationship in which the County employee provides service to the non-County employer that is compensated or customarily eligible to be compensated.² In contrast, the Ethics

¹ The Robert Wood Johnson Foundation (RWJF) is the United States' largest philanthropy focused solely on health. The foundation's goal, through the use of grants, is "to improve the health and healthcare of all Americans." The foundation has 9.2 billion in assets, and generates grants approaching \$400 million a year. RWJF awards grants for a range of health issues, including access to care, childhood obesity, and training for doctors and nurses. It has interests in topics that include social and economic factors that can impact health, including quality of housing, violence, poverty, and access to fresh food.

² RQO 15-01.

Commission has previously opined that uncompensated volunteer work for a traditional non-profit is not outside employment.³

The COE “Outside Employment Guidelines” memorandum (September 2014) provides examples of the types of activities that the Commission has generally found to constitute outside employment. The guidelines specifically state that “**compensated** employment for any person, firm, corporation or entity (including a non-profit entity) is considered outside employment”. (Emphasis supplied).

In the case at bar, Mr. Hansen is seeking to participate in the RWJF IRL program. He will be paid \$25,000 (twenty-five thousand dollars) per annum for his participation in the program. His team will also be awarded \$125,000 (one hundred and twenty-five thousand dollars) to conduct research for the RWJF IRL program. The services they provide under the program will serve the overall goals and purposes of the Foundation that is paying them. As Mr. Hansen is seeking to engage in compensated employment for an entity that is not Miami-Dade County, his participation in the RWJF IRL program is considered outside employment.

B. Mr. Hansen’s participation in the IRL program does not conflict with his County employment

The County Ethics Code at Section 2-11.1(j) prohibits a County employee from accepting outside employment that would impair his or her independence of judgment in the performance of his or her public duties. The intent of this ordinance is reflected in the County’s Administrative Order No. 7-1, which states in part that, “[i]t is essential... that public employees avoid any and all situations that represent, or appear to represent, conflicts between their personal interests and their public duties.... Under no circumstance shall a County employee accept outside employment or render other than official services to a private interest ...where a real or apparent conflict of interest with one’s official or public duties is possible.” Consequently, AO 7-1 gives a County Department Director the discretion to deny outside employment if he or she finds that it is contrary to the interests of the County.

³ RQO 14-03; INQ 14-215; INQ 13-34; and INQ 12-131.

Past opinions from the Ethics Commission demonstrate that these types of inquiries involve a myriad of factors which should be taken into account in determining whether a conflict exists, including the following: 1) whether the outside employment consists of work that is similar to the work done by the employee; 2) whether the public employee will come in contact with the same or similar people or entities in both his/her outside employment and in his/her public position; and 3) whether the public employee works in a department that funds or has a contract with his/her outside employer.⁴

In this case, a review of the pertinent factors reveals as follows:

- Mr. Hansen's proposed outside employment in the RWJF IRL program consists of duties that are different from his duties at PROS. At PROS, Mr. Hansen's duties focus on researching recreation trends, surveying the needs of the community, and developing recreation programs to meet those needs. In the IRL program, Mr. Hansen would be receiving leadership training, in addition to providing high-quality, community-engaged, action-oriented, equity-focused health research.
- His work hours with IRL would not conflict with his County work hours.
- He would not use County resources to perform work for the IRL program.
- While Mr. Hansen works in a department that receives grant funds from RWJF, he does not oversee, manage or provide any insight as to how the grant funds received from RWJF are actually spent by PROS.
- There is no likelihood that Mr. Hansen's outside employment could place him in situations where his private economic considerations would override the faithful discharge of his public duties.

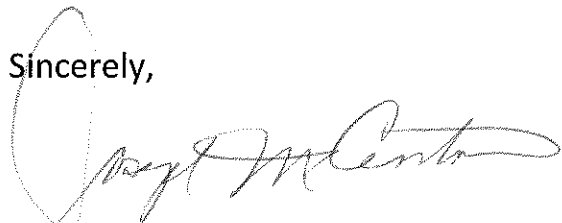
Consequently, Mr. Hansen's outside employment is not likely to impair his independence of judgment in the performance of his duties. However the Ethics Commission strongly recommends that should Mr. Hansen's position or job responsibilities as a Manager in PROS changes at any time while he continues his

⁴ COE Outside Employment Guidelines.

outside employment with the IRL program, he shall bring this matter to the attention of the Ethics Commission for further review.

This opinion construes the Miami-Dade County Ethics Code and is not applicable to possible conflicts under State laws.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joseph M. Centorino". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Joseph M. Centorino
Executive Director/General Counsel