



To: Karla Green, Director of Human Resources

From: Miriam Soler Ramos, City Attorney for the City of Coral Gables *MSR*

RE: Legal Opinion Regarding Weidenfeld Outside Employment Request

Date: January 29, 2018

Ofc. Weidenfeld is requesting permission to engage in outside employment with "Florida Intelligence & Research, Inc." (a private investigations firm, according to the form) in order to conduct routine background investigations and firearms training. There is no enumerated prohibition that prevents a sworn law enforcement officer from engaging in outside employment with a firm that engages in private investigations, however, the contemplated employment must be considered under the conflicting employment provisions of the Miami-Dade Ethics Code and the City Ethics Code included below:

Sec. 2-11.1(j) of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance states:

"No [City departmental personnel or employee] shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties."

Sec. 2-229 of the Coral Gables Code states:

"No...departmental personnel, employees...shall accept other employment which would impair independence of judgment in the performance of any public duties."

In considering whether outside employment is conflicting employment, several factors are considered (See "Outside Employment Guidelines" by Miami-Dade Commission on Ethics and Public Trust): (1) whether the outside employment is related to the employee's public position; (2) whether the outside employment is similar to the work the employee does for the public entity; (3) whether the public employee will come into contact with the same or similar people in both his/her outside employment and his/her public employment; (4) whether the public employee uses the same or similar resources in his/her outside as he/she would in his/her work for the public entity (i.e. similar tools, databases); (5) whether at least a portion of the outside employment can only be accomplished during the same business hours as the employee is required to work for the public employer; (6) whether the public employee works in a position in which he/she has the opportunity to refer vendors, contractors, bidders of the public entity, or the public to the private sector in which his/her outside employer does business; (7) whether the

public employee works in a position in which he/she has the opportunity to recruit vendors, contractors, bidders of the public entity or the public to use his/her outside employment products or services; (8) whether the outside employment requires that the public employee interact with employees or boards of the same public entity; (9) whether the public employee has access to information that is not available to the public and that information is relevant to his/her outside employment; (10) whether the public employee works in a department that funds or has a contract with his/her outside employer; (11) whether the outside employment is likely to place the public employee in situations in which private economic considerations may override the faithful discharge of his/her public duties.

With regard to the outside employment conducting background investigations, at least eight of the enumerated factors are met. Therefore, I believe that the officer engaging in outside employment conducting background investigations constitutes conflicting employment. In my opinion, the officer providing firearms training does not constitute conflicting employment, however. Only two of the above-described factors are met and the act of teaching/training is typically less likely to present a conflict than many other types of outside employment.

This opinion is issued pursuant to section 2-252(e)(1) and (8) and section 2-300 of the City Code.

From: [Ramos, Miriam](#)
To: [Paulk, Enga](#)
Subject: FW: Weidenfeld Outside Employment Request
Date: Friday, January 26, 2018 5:48:57 PM
Attachments: [weidenfeld.pdf](#)

Please publish.

Miriam Soler Ramos, Esq., B.C.S.
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Board Certified by the Florida Bar in
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-----Original Message-----

From: Ramos, Miriam
Sent: Friday, January 26, 2018 5:43 PM
To: Green, Karla <kgreen@coralgables.com>
Cc: Suarez, Cristina <csuarez@coralgables.com>
Subject: RE: Weidenfeld Outside Employment Request

Good afternoon Karla,

Ofc. Weidenfeld is requesting permission to engage in outside employment with "Florida Intelligence & Research, Inc." (a private investigations firm, according to the form) in order to conduct routine background investigations and firearms training. There is no enumerated prohibition that prevents a sworn law enforcement officer from engaging in outside employment with a firm that engages in private investigations, however, the contemplated employment must be considered under the conflicting employment provisions of the Miami-Dade Ethics Code and the City Ethics Code included below:

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Sincerely,

Miriam Soler Ramos, Esq., B.C.S.
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-----Original Message-----

From: Green, Karla

Sent: Tuesday, January 16, 2018 5:13 PM
To: Ramos, Miriam <mramos@coralgables.com>
Subject: Weidenfeld Outside Employment Request

Good afternoon Miriam,

Just wanted to run this by you to make sure there is no conflict of interest. Please let me know at your earliest convenience. Thank you.

-----Original Message-----

From: hr-adm@coralgables.com [<mailto:hr-adm@coralgables.com>]
Sent: Tuesday, January 16, 2018 3:53 PM
To: Green, Karla
Subject: weidenfeld

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Printer.

Attachment File Type: pdf, Multi-Page

Device Name: PSBHR2FL-7970A