



**TO:** Cathy Swanson-Rivenbark, City Manager

**CC:** Craig Leen, City Attorney  
Ed Hudak, Interim Police Chief

**FROM:** Miriam S. Ramos, Deputy City Attorney *MSR*

**RE:** Outside employment opinion for Interim Police Chief

**DATE:** September 4, 2015

---

**Question:** Whether Interim Chief Ed Hudak's outside employment with the University of Miami Athletics Department is conflicting employment under Sec. 112.313, F.S., Sec. 2-11.1(j) of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance and Sec. 2-229 of the City of Coral Gables Code?

**Short Answer:** No.

Interim Chief Hudak currently has outside employment with the University of Miami Athletics Department (as approved by the City). In performing that outside employment, he serves as a security advisor, he meets and mentors players, he serves as a volunteer coach and he occasionally travels with the team to serve as a liaison with police departments at the destination to which they travel. Security for the university's team is provided by Florida Highway Patrol (FHP), pursuant to an agreement.

The University of Miami has a police department which is certified, trained and regulated by the City of Coral Gables Police Department (CGPD). Also, University of Miami officers are sworn in by the CGPD police chief. All matters within the University of Miami Police Department (UMPD) go through that department's chain of command. UMPD conducts investigations of some crimes but all violent crime investigation are conducted by the CGPD. CGPD also conducts all internal affairs investigation into UMPD officers. The interest of the CGPD and the UMPD are aligned. As noted above, UMPD does not provide security to the university's teams.

Sec. 112.313(7)(a), F.S. states, in pertinent part:

“...nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interest and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.”

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.

In applying the factors described above, I conclude that Interim Chief Hudak's employment, with the University of Miami Athletics Department, is not conflicting employment. Of the eleven (11) enumerated factors, only three (3) are applicable and they do not raise any concerns. First, Interim Chief Hudak's outside employment is related to his public employment but only in the very general way that his vast experience in policing qualify him to serve as a security consultant with the University's Athletic Department. Second, Interim Chief Hudak may come into contact with similar people in his role as a security liaison. In other words, he deals with other police officers in other departments. This is not of concern since he is dealing with other public sector employees. The intent of this factor was to take into consideration outside employment that would have the public employee come into contact with similar clients, suppliers or subcontractors, for reasons which are evident. Lastly, the CGPD has an agreement with the UMPD regarding the structure of the police departments. However, the style of the agreement is not that of a contract and the City does not fund UMPD. This factor is again intend to address contracts between the City and private service providers.

As always, outside employment may not be conducted on City time or using City resources.

This opinion is issued pursuant to Sec. 2-201(e)(1) and (8) of the City of Coral Gables Code authorizing the City Attorney's Office to issue opinions and interpretations on behalf of the City.

**From:** [Ramos, Miriam](#)  
**To:** [Leen, Craig](#); [Swanson-Rivenbark, Cathy](#)  
**Cc:** [Hudak, Edward](#); [Figueroa, Yaneris](#)  
**Subject:** Outside employment opinion for Interim Police Chief  
**Date:** Friday, September 4, 2015 5:27:45 PM  
**Attachments:** [image003.png](#)

---

Question: Whether Interim Chief Ed Hudak's outside employment with the University of Miami Athletics Department is conflicting employment under Sec. 112.313, F.S., Sec. 2-11.1(j) of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance and Sec. 2-229 of the City of Coral Gables Code?

Short Answer: No.

Interim Chief Hudak currently has outside employment with the University of Miami Athletics Department (as approved by the City). In performing that outside employment, he serves as a security advisor, he meets and mentors players, he serves as a volunteer coach and he occasionally travels with the team to serve as a liaison with police departments at the destination to which they travel. Security for the university's team is provided by Florida Highway Patrol (FHP), pursuant to an agreement.

The University of Miami has a police department which is certified, trained and regulated by the City of Coral Gables Police Department (CGPD). Also, University of Miami officers are sworn in by the CGPD police chief. All matters within the University of Miami Police Department (UMPD) go through that department's chain of command. UMPD conducts investigations of some crimes but all violent crime investigation are conducted by the CGPD. CGPD also conducts all internal affairs investigation into UMPD officers. The interest of the CGPD and the UMPD are aligned. As noted above, UMPD does not provide security to the university's teams.

Sec. 112.313(7)(a), F.S. states, in pertinent part:

“...nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interest and the performance of his or her public duties or that would impede

the full and faithful discharge of his or her public duties.”

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.

In applying the factors described above, I conclude that Interim Chief Hudak's employment, with the University of Miami Athletics Department, is not conflicting employment. Of the eleven (11) enumerated factors, only three (3) are applicable and they do not raise any concerns. First, Interim Chief Hudak's outside employment is related to his public employment but only in the very general way that his vast experience in policing qualify him to serve as a security consultant with the University's Athletic Department. Second, Interim Chief Hudak may come into contact with similar people in his role as a security liaison. In other words, he deals with other police officers in other departments. This is not of concern since he is dealing with other public sector employees. The intent of this factor was to take into consideration outside employment that would have the public employee come into contact with similar clients, suppliers or subcontractors, for reasons which are evident. Lastly, the CGPD has an agreement with the UMPD regarding the structure of the police departments. However, the style of the agreement is not that of a contract and the City does not fund UMPD. This factor is again intend to address contracts between the City and private service providers.

As always, outside employment may not be conducted on City time or using City resources.

This opinion is issued pursuant to Sec. 2-201(e)(1) and (8) of the City of Coral Gables Code authorizing the City Attorney's Office to issue opinions and interpretations on behalf of the City.

*Miriam S. Ramos, Esq.*  
Deputy City Attorney  
City of Coral Gables  
405 Biltmore Way, 3rd Floor  
Coral Gables, FL 33134  
(305) 460-5218  
(305) 460-5084 direct dial



**PUBLIC RECORDS:**

This e-mail is from the City of Coral Gables – City Attorneys Office and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this email in error, please notify the sender immediately, delete your e-mail from your computer and do not copy or disclose it to anyone else. The State of Florida has a broad public records laws. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public upon request.

**CONFIDENTIALITY:**

The information contained in this transmission may be legally privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited