

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**



Office of Government Ethics

**VIA EMAIL TO:**

July 2, 2013

Dr. David Miramontes  
Assistant Fire Chief and Medical Director  
Fire and Emergency Medical Services  
david.miramontes@dc.gov

Dear Dr. Miramontes:

This responds to your request for advice concerning whether a proposed outside activity would be consistent with your ethical obligations as a government employee. Based upon the information you provide in your email of June 20, 2013, your conversation on the following day and subsequent emails with a member of my staff, I conclude that, as long as you ensure that you meet the requirements set forth below, your proposed outside activity is permissible.

You state that you are the Assistant Fire Chief and Medical Director for D.C. Fire and Emergency Medical Services (“FEMS”) and, as such, you provide medical oversight for all aspects of pre-hospital medical services provided by FEMS, including: written policies, procedures, and protocols for pre-hospital medical care, medical training, and quality assurance of medical services. Additionally, you supervise the administration of pre-hospital medical care. You have the authority to: (1) order hospital emergency rooms within the District of Columbia to remain open to Department transports; (2) require hospitals and medical providers to accept the transfer of care of a patient or patients within a specified period of time; and (3) work with the District-based hospitals to coordinate pre-hospital medical services with medical research of best practices for delivery of pre-hospital medical care.

You state that you have been elected to serve as an Officer for the D.C. Chapter of the American College of Emergency Medicine (“ACEP”). Specifically, you have been asked to serve as ACEP’s Secretary/Treasurer. ACEP is a national medical specialty organization representing physicians who practice emergency medicine. The D.C. ACEP is committed to protecting the longevity and future of individual physicians, patients, and emergency medicine as a specialty. D.C. ACEP promotes policies that preserve the integrity and independence of emergency medical practice, supports emergency physician representation within medical organizations and academic institutions, and represents the interest of all D.C. emergency physicians.

As Secretary/Treasurer of the D.C. ACEP, you will be responsible for creating and maintaining appropriate accounts and records of all D.C. ACEP activities and finances. You also will be responsible for ensuring that appropriate corporation and chapter reports are filed. Additionally, you will be responsible for ensuring that D.C. ACEP adheres to the policy governing the use of the mark of ACEP. You will not receive compensation for your services as Secretary/Treasurer. The Officers of D.C. ACEP meet monthly, outside of your District government work hours.

The applicable provisions of the Code of Conduct that inform my decision are found in Chapter 18, Title 6B of the D.C. Municipal Regulations.<sup>1</sup> The pertinent portions of DPM 1804.1 state:<sup>2</sup>

*1804.1 An employee may not engage in any outside employment or other activity which is not compatible with the full and proper discharge of his or her duties and responsibilities as a government employee. Activities or actions which are not compatible with government employment include, but are not limited to, the following:*

*(d) Maintaining financial or economic interest in or serving (with or without compensation) as an officer or director of an outside entity if there is any likelihood that such entity might be involved in an official government action or decision taken or recommended by the employee;*

*. . . (h) Serving in a representative capacity or as an agent or attorney for any outside entity involving any matter before the District of Columbia.*

You are prohibited from maintaining financial or economic interest in or serving as an officer of an outside entity if there is any likelihood that the entity might be involved in an official government action or decision taken or recommended by you. Because D.C. ACEP will not be involved in an official government action or decision taken or recommended by you in your position with FEMS, DPM 1804.1(d) is satisfied.

You also are prohibited from serving in a representative capacity or as an agent for any outside entity involving any matter before the District. In the event that D.C. ACEP engages in any activity involving the District government, you must ensure that you do not, in your position as Secretary/Treasurer, appear on behalf of or represent D.C. ACEP before any District government agency or the D.C. Council. If you ensure that you do not violate this prohibition, DPM 1804.1(h) is satisfied.

As general guidance, your position with D.C. ACEP must not interfere with your ability to perform your District government job or impair the efficient operation of District government (see, DPM § 1804.1(a)), you must not devote District government time or resources to work that you perform for D.C. ACEP (see, DPM § 1804.1(b)), you must not order subordinate FEMS staff to work on matters related to D.C. ACEP (see, DPM § 1804.1(c)), and you must not divulge any official government information to D.C. ACEP that is not available to the general public (see, DPM § 1804.1(f)).

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<sup>1</sup> Hereinafter, Title 6b of the D.C. Municipal Regulations will be referred to as the District Personnel Manual or DPM.

Assuming your representations to be complete as to pertinent facts and entirely accurate, and further assuming that you would abide by the restrictions outlined above, I find that the restrictions on outside activity would not prevent you from pursuing this proposed outside activity.

Please be advised that this advice is provided to you pursuant to section 219 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012, D.C. Law 19-124, D.C. Official Code § 1-1161.01 *et seq.*, which empowers me to provide such guidance. As a result, no enforcement action for violation of the District’s Code of Conduct may be taken against you in this context, provided that you have made full and accurate disclosure of all relevant circumstances and information in seeking this advisory opinion.

Finally, you are advised that the Ethics Act requires this opinion to be published in the District of Columbia Register within 30 days of its issuance, but that your identity will not be disclosed unless and until you consent to such disclosure in writing, should you wish to do so.

Please let me know if you have any questions or wish to discuss this matter further. I may be reached at 202-481-3411, or by email at [darrin.sobin@dc.gov](mailto:darrin.sobin@dc.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Darrin P. Sobin", written over a horizontal line.

DARRIN P. SOBIN  
Director of Government Ethics  
Board of Ethics and Government Accountability

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