

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



Office of Government Ethics

**VIA EMAIL TO:**

July 1, 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 for pay 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) to require hospitals and medical providers to accept the transfer of care of a patient or patients within a specified period of time; and (3) the authority to 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 appointed to the faculty of The George Washington University School of Medicine and Health Services for the period July 1, 2013, through June 30, 2014, as an Associate Clinical Professor of Emergency Medicine. Although your position with the George Washington University School of Medicine and Health Services will be unpaid, you will be compensated for teaching George Washington University School of Medicine and Health Services students and residents as part of your current position as an Attending Physician at the INOVA Fairfax Hospital Emergency Department.

You will be teaching general emergency medicine, disaster medicine, and emergency medical services. In addition, you will conduct lectures for students and residents as part of “Grand Rounds” a few times a year. None of your activities associated with this teaching position will occur during your District government work hours or involve the use of any District government resources. In addition, you state that the content of the course will not use official data or ideas obtained from your District government responsibilities which have not become part of the body of public information.

There are essentially three applicable provisions of the Code of Conduct that inform my decision, each of which are found in Chapter 18, Title 6B of the D.C. Municipal Regulations.<sup>1</sup> Noting specifically that your proposed activity is to engage in teaching, DPM §§ 1804.3 through 1804.5 provides guidance. The DPM states:

*1804.3 An employee may engage in teaching activities, writing for publication, consultative activities, and speaking engagements that are not prohibited by law, regulation, or agency standards, only if such activities are conducted outside of regular working hours, or while the employee is on annual leave or leave without pay.*

The second provision states:

*1804.4 The information used by an employee engaging in an activity under § 1804.3 shall not draw on official data or ideas which have not become part of the body of public information, except nonpublic information that has been made available on request for use in such capacity, or unless the agency head gives written authorization for use on the basis that its use is in the public interest.*

And finally:

*1804.5 If the employee receives anything of monetary value for engaging in an activity under §1804.3, the subject matter shall not be devoted substantially to the responsibilities, programs, or operations of his or her agency, to his or her official duties or responsibilities or to information obtained from his or her government employment.*

Here, you confirm that this is indeed a teaching activity and that the activities would be performed outside of work hours, so DPM § 1804.3 is satisfied. You also confirm that the information you will use for teaching, although concerning general principles that are related to your District government position, will not draw on official data or ideas which have not become public information. Therefore, DPM § 1804.4 is satisfied as well.

You also confirm that the subject matter of the class you propose to teach shall not be devoted substantially to the responsibilities, programs, or operations of your District government agency or official duties or responsibilities, or to information you obtained from your District government employment. Instead, the subject matter will involve general concepts associated with emergency medicine, disaster medicine, and emergency medical services medicine. Therefore, DPM § 1804.5 is satisfied.

On a related note, per D.C. Official Code § 5-404.01(3)(c), as Medical Director you are statutorily required to “maintain clinical practice at a District hospital or hold an

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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.

appointment at an accredited academic medical center within the District.” We see no conflict in your fulfilling this statutory requirement by accepting the appointment as an Associate Clinical Professor of Emergency Medicine at The George Washington University School of Medicine and Health Sciences.

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 employment 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,



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

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