

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, April 27, 2017 10:50 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Shannon Tookes, Correctional Officer, Miami-Dade Corrections and Rehabilitation Department (outside employment) INQ 17-128

INQ 17-128 Tookes

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**From:** Turay, Radia (COE)  
**Sent:** Thursday, April 27, 2017 10:38 AM  
**To:** Kirkland, Tina (MDCR) <[Tina.Kirkland@miamidade.gov](mailto:Tina.Kirkland@miamidade.gov)>; Tookes, Shannon (MDCR) <[Shannon.Tookes@miamidade.gov](mailto:Shannon.Tookes@miamidade.gov)>  
**Cc:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Subject:** INQ 17-128, Shannon Tookes, Correctional Officer, Miami-Dade Corrections and Rehabilitation Department (outside employment)

Dear Ms. Tookes,

You previously inquired whether a conflict of interest exists under the Ethics Code between your County employment and your proposed outside employment as a landlord of two rental units. You are a correctional officer with the Hospital Services Unit at Miami-Dade Corrections and Rehabilitation Department (MDCR).

In response to your question, we issued INQ 17-64, in which we advised you that the Ethics Commission in past opinions has held that “[a] County employee who owns *less* than three (3) rental units is not engaged in outside employment.” See RQO 06-48; INQ 14-14; INQ 13-309; See also Ethics Commission “Outside Employment Guidelines” Memorandum (September 2014).

It has since been brought to our attention that the department that you work for, Miami-Dade Corrections and Rehabilitation Department (MDCR), issued Miami-Dade Corrections DSOP 6-026, which strictly states that “[o]wner[s] of 2 or more rental properties” must request approval for outside employment.

The Ethics Commission has generally acknowledged that County Departments may adopt rules that are more stringent than the County Ethics Ordinance. In such situations, the employees **must** follow the stricter rules that were set by their department.

You have submitted a request for outside employment per your department’s policy. Please find our opinion below as to whether a conflict of interest exists under the Ethics Code between your County employment and your proposed outside employment.

### Legal Analysis

Sections 2-11.1(j) and (k) of the County Ethics Code prohibit County employees from engaging in outside employment which would impair the County employee’s independence of judgment in the performance of his or her official duties. Based on the information that you have provided to us at this time, it appears to be unlikely that the type of outside employment that you are seeking to engage in would impair your independence of judgement in the performance of your duties as a correctional officer with the Hospital Services Unit at MDCR.

As a reminder, pursuant to the Miami-Dade County Code at Section 2-11, government employees are required to request permission to engage in outside employment from their supervisor on a yearly basis. In addition, Sec. 2-11.1(k)(2) of the Code requires filing an outside employment disclosure form on a yearly basis. Government employees are also cautioned that they may not engage in any activity which would require them to disclose confidential information acquired by reason of their official position, nor use such information directly or indirectly for their personal gain or benefit. *See* Sec. 2-11.1(h), Ethics Code. Lastly, a government employee may not use his or her official position to secure privileges or exemptions for themselves or others. *See* Sec.2-11.1(g), Ethics Code.

This opinion is based on the facts presented. If any of the facts presented here change, or if you have any further questions, please contact us.

Sincerely,

**RADIA TURAY**

Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 350-0601  
Fax: (305) 579-0273  
Ethics.miamidade.gov

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**From:** Kirkland, Tina (MDCR)  
**Sent:** Monday, April 24, 2017 11:59 AM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Subject:** RE: INQ 17-64, Shannon Tookes, Correctional Officer, Miami-Dade Corrections and Rehabilitation Department (outside employment)

Ms. Turay,

Thank you for the clarification, please amend the opinion to reflect such.

I have submitted backup documentation below for your file:

VOLUME: 6	DSOP: 6-026	YEAR: 2012	VERSION: 1
SUBJECT:	OUTSIDE EMPLOYMENT AND FINANCIAL DISCLOSURE		

**Outside Employment**

As defined by the Miami-Dade County Commission on Ethics and Public Trust, "means the providing of services, other than to Miami-Dade County, or to the respective municipality, for compensation, including but not limited to, being an employee, an independent contractor, an agent, or by self-employment."

**Outside Employment Statement Form**

A form that must be completed while engaged in outside employment.

**Request for Outside Employment Form**

A form that must be completed before accepting a position with an outside employer. The form shall also be completed every year thereafter while engaged in outside employment.

**III. PROCEDURES**

Staff shall not accept any outside employment prior to requesting and obtaining approval from the Director. Outside employment requests shall be submitted and processed in accordance with applicable Miami-Dade County and MDCR policy and procedures.

**A. INITIAL APPLICATION SUBMISSION**

Each staff member shall adhere to the following protocols when requesting approval for outside employment:

1. **Employment with Another Entity, Self-Employment, or Independent Contractor**  
 Complete and submit a [Request for Outside Employment](#) form via his/her Facility/Bureau Supervisor to the Director. The staff member shall obtain the Director's approval prior to engaging in any outside employment, including self-employment or employment with any person, firm, corporation or entity other than Miami-Dade County. The form must be submitted by the staff member for each business venture in which he/she is engaged.
2. **Owner of Two or More Rental Properties**  
 Complete and submit a Request for Outside Employment form via his/her Facility/Bureau Supervisor to the Director. Requests pertaining to rental properties shall be approved by the Director unless ownership represents a conflict of interest/ethics, or is considered detrimental/adverse to the interests of Miami-Dade County or MDCR.

The below highlighted link is unavailable to attach to this email, however, it is located on the Elections Department website @ <http://www.miamidade.gov/elections/library/instructions/outside-employment.pdf> .

# WHO MUST FILE ANNUAL OUTSIDE EMPLOYMENT REQUEST AND ANNUAL OUTSIDE EMPLOYMENT STATEMENT

## I. COUNTY OUTSIDE EMPLOYMENT PERMISSION AND DISCLOSURE REQUIREMENTS

### A. Overview

Pursuant to the Miami-Dade Code at Section 2-11, [Administrative Order 7-1](#), and [Procedure 403](#), all full-time and part-time Miami-Dade County employees who engage in any outside employment must request permission from their department before engaging in outside employment. Permission for outside employment must be requested and granted on an annual basis, even in cases where the type of outside employment has not changed. Municipal employees should follow municipal ordinances and procedures regarding permission to engage in outside employment.

All full-time County and municipal employees who engaged in any outside employment during the preceding year for any person, firm, corporation, or entity other than Miami-Dade County or their respective municipality must file a statement regarding their outside employment income (Miami-Dade Code at Section 2-11.1(k)(2)). Full-time County employees file the [Outside Employment Statement](#) with County Elections Department by July 1st of each year. Full-time Municipal employees must file the [Outside Employment Statement](#) annually with their respective Municipal Clerks.

This filing is in addition to any other financial disclosure requirements.

For additional information on outside employment, please visit the Miami-Dade Commission on Ethics' website at: <http://ethics.miamidade.gov/outside-employment.asp>.

### B. What Must Be Filed: When and Where

#### Request for Outside Employment

- Miami-Dade County employees must submit a [Request for Outside Employment](#) to the employee's Department Director for his/her approval before accepting outside employment. Approval must be obtained every year thereafter while engaged in outside employment. Guidelines on what constitutes Outside Employment are outlined in the [Outside Employment Memorandum \(2014\)](#). Department Directors may request an opinion from the County Ethics Commission regarding conflicts of interest in outside employment.
- If written approval is granted by the County Department Director, the employee may engage in outside employment.

Thank you

*Shawntia Kirkland, Personnel Specialist 2*  
Personnel Management Bureau, Employee Relations  
**Miami-Dade Corrections & Rehabilitation Department**  
2525 NW 62nd Street, Suite 2000  
Miami, Florida 33147  
(Office) 786-263-6196 (Fax) 786-263-6127  
[kirkls@miamidade.gov](mailto:kirkls@miamidade.gov)

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**From:** Turay, Radia (COE)  
**Sent:** Monday, April 24, 2017 10:25 AM  
**To:** Kirkland, Tina (MDCR); Tookes, Shannon (MDCR)  
**Cc:** Centorino, Joseph (COE)  
**Subject:** RE: INQ 17-64, Shannon Tookes, Correctional Officer, Miami-Dade Corrections and Rehabilitation Department (outside employment)

Hello Ms. Kirkland and Ms. Tookes,

Miami-Dade Corrections and Rehabilitation Department can certainly adopt rules that are more stringent than the County Ethics Rules. In such situations, MDCR employees must follow MDCR's departmental rules. I will amend the opinion we provided Ms. Tookes accordingly.

Thanks,  
Radia.

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**From:** Kirkland, Tina (MDCR)  
**Sent:** Monday, April 24, 2017 10:12 AM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>; Tookes, Shannon (MDCR) <[Shannon.Tookes@miamidade.gov](mailto:Shannon.Tookes@miamidade.gov)>  
**Cc:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Subject:** RE: INQ 17-64, Shannon Tookes, Correctional Officer, Miami-Dade Corrections and Rehabilitation Department (outside employment)  
**Importance:** High

Good morning Radia Turay,

Pursuant to our telephone conversation reference Miami-Dade County Outside employment guidelines last amended, September 2014, Rental Properties which states, "Ownership of 3 or more rental units is considered outside employment unless a management company is hired to manage the units for the owner, (RQO 06-48, INQ 07-83)", at which I advise you, Ms. Turay of Miami-Dade Corrections DSOP 6-026, III. Procedures A. #2 Owner of Two or More Rental Properties, advises employee to "complete and submit a Request for Outside Employment form via his/her Facility/Bureau Supervisor to the Director. Request pertaining to rental properties shall be approved by the Director unless ownership represents a conflict of interest/ethics, or is considered detrimental/adverse to the interests of Miami-Dade County or MDCR."

You advised me that employees' are to follow the guidelines that are set forth by their Department, due to every Department rules varies, in which Miami-Dade Corrections DSOP 6-026, last update was 2012 which strictly states Owner of 2 or more rental properties are to request for outside employment. This is a discrepancy which causes confusion as to if an employee with 2 verses 3

rental property to an outside employment request. Per your email below to Shannon Tookes advising her that she do not have to submit a request.

Can you please resolve this discrepancy?.

Thanks

*Shawntia Kirkland, Personnel Specialist 2*

Personnel Management Bureau, Employee Relations  
**Miami-Dade Corrections & Rehabilitation Department**  
2525 NW 62nd Street, Suite 2000  
Miami, Florida 33147  
(Office) 786-263-6196 (Fax) 786-263-6127  
[kirkls@miamidade.gov](mailto:kirkls@miamidade.gov)

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**From:** Turay, Radia (COE)  
**Sent:** Monday, March 06, 2017 4:51 PM  
**To:** Tookes, Shannon (MDCR)  
**Cc:** Kirkland, Tina (MDCR); Centorino, Joseph (COE)  
**Subject:** INQ 17-64, Shannon Tookes, Correctional Officer, Miami-Dade Corrections and Rehabilitation Department (outside employment)

Dear Ms. Tookes,

You have inquired whether a conflict of interest exists under the Ethics Code between your County employment and your proposed outside employment as a landlord.

#### Background

You are a correctional officer with the Hospital Services Unit at Miami-Dade Corrections and Rehabilitation Department (MDCR). Your current job responsibilities includes care, custody and control of inmates.

You are seeking to engage in outside employment as a landlord. **You own two rental units.** Aside from owning these properties, you are not engaged in any other type of private outside business.

#### Analysis

**A County employee who owns less than three (3) rental units is not engaged in outside employment.** See RQO 06-48; INQ 14-14; INQ 13-309; See also Ethics Commission “Outside Employment Guidelines” Memorandum (September

2014). Consequently, you **are not** engaged in outside employment, hence, you **are not required** to file a Request for Outside Employment (pursuant to Sec. 2-11, County Code, and AO 7-1) or an Outside Employment Statement (pursuant to Sec. 2-11.1(k)(2), county Ethics Code).

This opinion is based on facts as you have presented them to the Ethics Commission. Please contact us if these facts change.

Sincerely,

**RADIA TURAY**

Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 350-0601  
Fax: (305) 579-0273  
Ethics.miamidade.gov

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**From:** Turay, Radia (COE)  
**Sent:** Monday, March 06, 2017 11:21 AM  
**To:** Tookes, Shannon (MDCR) <[Shannon.Tookes@miamidade.gov](mailto:Shannon.Tookes@miamidade.gov)>  
**Subject:** Outside Employment Inquiry

Hello Ms. Tookes,

My name is Radia Turay. I am a staff attorney at the Miami-Dade Commission on Ethics. We received an inquiry regarding your proposed outside employment as a landlord. We have a couple of questions regarding same. Please give me a call back at 305-350.0601 when you get a chance.

Thanks,

**RADIA TURAY**

Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 350-0601  
Fax: (305) 579-0273  
Ethics.miamidade.gov