

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, November 20, 2017 5:05 PM
To: Sanchez, Rodzandra (COE)
Subject: Morgan Harris, Pretrial services Officer 2, MDCR (Outside Employment) INQ 17-267

INQ 17-267 Harris

From: Turay, Radia (COE)
Sent: Monday, November 20, 2017 4:58 PM
To: Harris, Morgan (MDCR) <Morgan.Harris@miamidade.gov>
Cc: Kirkland, Tina (MDCR) <Tina.Kirkland@miamidade.gov>; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: INQ 17-267, Morgan Harris, Pretrial services Officer 2, MDCR (Outside Employment)

Dear Mr. Harris,

You have inquired whether a conflict of interest would exist where you, an employee working for the Miami-Dade Corrections and Rehabilitation Bureau (MDCR), have requested permission to engage in outside employment as a musician for New Birth Cathedral of Faith International.

Background

You are a Pretrial Services Officer 2 for the Miami-Dade Corrections and Rehabilitation Department (MDCR). Your current job responsibilities include overseeing the overall preparation of daily bond hearings to assist the courts with making informed decisions regarding defendants' bond and custody status; and releasing defendants into pretrial services that have been granted such at any hearing as ordered by the courts.

You are seeking to engage in outside employment as a musician for New Birth Cathedral of Faith International, a County vendor. In your role as a musician, you will play the organ and keyboard for church services on Sundays.

Legal Analysis

The Ethics Code at Section 2-11.1(j) states that a government employee may not accept outside employment that impairs his or her independence of judgment in the performance of public duties. See County's Administrative Order 7-1. Generally, the County Ethics Code does not prevent an employee from being employed by a County vendor, as long as the employee does not have any involvement with the vendor's contract. See INQ 17-236; INQ 15-115; INQ 11-67.

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 County duties as a police records specialist for MDCR. In your County position, you do not have the authority to approve or disapprove any agreements for services between the County and New Birth Cathedral of Faith International; you have no involvement in the selection, oversight, or administration of the County contract with New Birth Cathedral of Faith International; and you have no responsibilities and/or duties that involve the County contract with New Birth Cathedral of Faith International.

As a reminder, pursuant to 2-11 of the County Code, County employees are required to request permission to engage in outside employment from their supervisor on a yearly basis and complete an Outside Employment Statement by July 1st

of each year. See Section 2-11.1(k)(2) of the Ethics Code; and A.O. 7-1. In addition, County employees employed by County vendors must file an Affidavit with the Miami-Dade county clerk of the Courts disclosing employment with that vendor. See Sec. 2-11.1(f) of the Ethics Code.

Finally, County employees are 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 Section 2-11.1(h), County Ethics Code. Lastly, a County employee may not use his or her official County position to secure privileges or exemptions for themselves or others. See Section 2-11.1(g), County Ethics Code.

This opinion is based on the facts presented. If any of these facts change, please contact us.

Sincerely,

RADIA TURAY

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

From: Harris, Morgan (MDCR)
Sent: Thursday, November 16, 2017 12:32 AM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: Outside employment request

I had no idea my church was connected to or was affiliated with Miami Dade County until Tina Kirkland informed me of such. I still don't know what the affiliation is. To answer your other questions, I have NOTHING to do with that stuff. I am only a church musician. That's it. I'm not familiar with anything else.

From: Turay, Radia (COE)
Sent: Wednesday, November 15, 2017 2:18 PM
To: Harris, Morgan (MDCR)
Cc: Kirkland, Tina (MDCR)
Subject: RE: Outside employment request

Hello Mr. Harris,

Please provide responses to the questions posed below at your earliest convenience.

Thanks,
Radia.

From: Turay, Radia (COE)
Sent: Tuesday, November 14, 2017 4:24 PM
To: Harris, Morgan (MDCR) <Morgan.Harris@miamidade.gov>
Subject: Outside employment request

Hello Mr. Harris,

My name is Radia Turay. I am a staff attorney with the Miami-Dade Commission on Ethics and Public Trust. I was assigned to assist you with your outside employment request. Please provide answers to the questions below:

- 1) Which County department does New Birth Cathedral of Faith International contract with?
- 2) In your County position, do you have authority to approve or disapprove any agreements for services between the County and New Birth Cathedral of Faith International?
- 3) Do you have any involvement in the selection, oversight, or administration of the County contract with New Birth Cathedral of Faith International?
- 4) Do you have any responsibilities and/or duties that involve the County contract with New Birth Cathedral of Faith International?
- 5) Do you hold any other positions with New Birth Cathedral of Faith International?

Thanks,

RADIA TURAY

Staff Attorney

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