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MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

In re: Kyra King
_____ /

Case No: 07-13

PUBLIC REPORT AND ORDER ACCEPTING SETTLEMENT AGREEMENT

The Advocate filed the above-captioned complaint against Kyra King ("Respondent") for alleged violation of Section 2-11.1(k)(2) (filing of outside employment disclosure form). The complaint alleges the Respondent failed to file an annual outside employment disclosure form for 2004.

The Respondent is a Contracts Officer for the Miami-Dade County Department of Human Services. In 2004, the Respondent registered T.K. Vending of Miami with the Division of Corporations. The incorporation documents list the Respondent as President and Registered Agent and her mother as Vice-President. T.K. Vending operates eight machines in the MLK Building where the Department of Human Services is located.

The Respondent is responsible for filling the vending machines in the MLK Building. The Respondent also collects money from the machines. The Respondent's phone number is

also provided on each machine in case there is a problem with the vending machines. The Respondent does not receive a salary from TK Vending. The Respondent did not file an outside employment disclosure form in 2004.

On June 26, 2007, the Ethics Commission found the complaint legally sufficient. On July 25, 2007, the Respondent stipulated to probable cause. Thereafter, the Advocate presented a proposed settlement wherein the Respondent admitted the allegations in the complaint and agreed to a letter of instruction. The Advocate recommended waiver of any applicable fine because of the unintentional nature of the allegations and the Respondent's cooperation during the investigation.

Upon review of the complaint and the proposed settlement and finding the settlement agreement in the best interest of Miami-Dade County, the Ethics Commission accepted the proposed settlement agreement.

DONE AND ORDERED by the Commission on Ethics and Public Trust in public session on July 25, 2007.

**MIAMI-DADE COUNTY COMMISSION
ON ETHICS AND PUBLIC TRUST**

By: 

Kerry Rosenthal
Chairperson

cc: Kyra King



**MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST**

In re: Kyra King

Case No. C07-013

LETTER OF INSTRUCTION

The Assistant Advocate filed the above-captioned complaint against Kyra King for violating Section 2-11.1(k)(2) (Prohibition on outside employment) of the Code of Miami-Dade County. The complaint alleged that Respondent, while employed by the Miami-Dade County Department of Human Services (DHS), worked for TK's Vending of Miami, Inc. (TK) without first obtaining permission to engage in outside employment and failed to file an Outside Employment Statement for 2004.

Facts

Respondent is and has been employed on a full-time basis as a Contracts Officer for DHS. DHS is housed in the Martin Luther King, Jr. (MLK) building, located at 2525 NW 62nd Street, 4th Floor, Miami, Florida.

On August 12, 2004, TK was incorporated listing Respondent as both President and Registered Agent and listing her mother, Joyce Hollingsworth (Hollingsworth), as Vice President. In TK's 2005 Annual Report, Respondent was removed as President and replaced by Hollingsworth. TK owns a total of eight (8) vending machines. All machines are located in the MLK building.

Hollingsworth stated that Respondent purchases the supplies for the machines, stocks the machines and collects the money from the sales of the products. In fact, a sticker on each machine provides Respondent's phone number as the one to be called if a customer experiences a problem with the machine. Hollingsworth's account is corroborated by video surveillance of MLK that shows Respondent servicing the machines on numerous occasions. Hollingsworth claims that Respondent was not paid by TK, however, Respondent does and has resided in the same residence as Hollingsworth. Furthermore, in Respondent's 2005 Outside Employment Statement she listed \$400.00 as the amount of compensation received from TK.

Respondent admitted that she was told by DHS Director, Richard W. Harris (Harris), that she needed to request permission for outside employment. Additionally, on September 30, 1994, Respondent signed a document entitled "Personnel Department Employee Worksite Orientation", acknowledging that the procedures required to engage in outside employment were explained to her. On the same day, Respondent signed another document, entitled "Outside

Employment Certificate,” acknowledging her understanding that all County employees engaged in outside employment must file a report indicating the source of the employment and the nature of the work being done.

Respondent did not obtain permission to engage in outside employment until June 2006, when she was advised by a Commission on Ethics (COE) investigator to do so. Respondent also failed to file an Outside Employment Statement for 2004.¹

Holding

Respondent’s failure to file an Outside Employment Statement for 2004 violated Section 2-11.1(k)(2).

Section 2-11.1(k)(2) provides that, “[a]ll full-time County and municipal employees engaged in any outside employment² for an person, firm, corporation or entity other than Miami-Dade County, or the respective municipality, or any of their agencies or instrumentalities, shall file, under oath, an annual report indicating the source of the outside employment, the nature of the work being done pursuant to same and amount or types of money or other consideration received by the employees from said outside employment...”

This matter is disposed of by way of a settlement agreement and with the issuance this Letter of Instruction. As evidenced above, Respondent had knowledge of the procedures that needed to be followed in order to engage in outside employment yet Respondent chose not to follow them. Respondent is now sternly advised that the filing of Ethics Complaint C07-013, along with this Letter of Instruction is to serve as ample warning of the consequences of not following the delineated procedure. Respondent is also forewarned that the leniency extended to her in this occasion will not be repeated. She is, therefore, strongly advised to conform her activities to this Letter of Instruction and to the requirements of Section 2-11.1(k)(2) to avoid any future enforcement action.

¹ As previously stated, Respondent did file an Outside Employment Statement for 2005, but only after being advised to do so by COE investigators.

² Section 2-11(a) of the Miami-Dade County Code defines outside employment to include employment that is “incidental or occasional in nature.”