



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

Overtown Transit Village North
701 Northwest 1st Court · 8th Floor · Miami, Florida 33136
Phone: (305) 579-2594 · Facsimile: (305) 579-0273
Website: ethics.miamidade.gov

MEMORANDUM

TO: Roody Pierre-Charles
Environmental Chemist 2
Miami-Dade Water and Sewer Department

Ivonne Navarro
Environmental Chemist 3
Miami-Dade Water and Sewer Department

FROM: Loressa Felix, Staff Attorney
Commission on Ethics

SUBJECT: INQ 2021-47 Conflicting /Outside employment, Sections 2-11.1(k)(2) and (j),
County Ethics Code

DATE: March 18, 2021

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding possible conflicts of interest in your proposed outside employment.

Facts: You are employed as an Environmental Chemist 2 for the Miami-Dade Water and Sewer Department (WASD). You would like to engage in outside employment as a life insurance agent for Primerica, Inc. (Primerica).

As an Environmental Chemist 2, you supervise and participate in the conduct of qualitative and quantitative analysis using approved analytical methodologies on samples from treatment plant source water. Your duties include performing or supervising the performance of investigations to resolve customer complaints, distribution system water quality anomalies and treatment plant process modifications and anomalies. You also train and supervise professional chemists and laboratory technicians in analytical procedures, methodologies, and quality control requirements.

Primerica provides insurance, investment, and financial services to middle income families in the United States and Canada. Primerica's core operations focus on the distribution of term life insurance, mutual funds, annuities, and other financial products. You advise that you would be

employed as a life insurance agent with Primerica. Primerica is not a County vendor nor are they seeking to become a County vendor.

Your duties as a life insurance agent would include selling and educating clients about life insurance products offered by Primerica. You advise that you will not be required to come into contact with the same people, clients, or entities in your position with the County and with Primerica. You will not utilize the same or similar resources for your outside employment. Your outside employment would not require interactions with County employees, departments, or County boards. You also do not work in a position that requires you to recruit vendors, contractors, bidders, or members of the public that could use your outside employment services. Lastly, you advise that your work for Primerica would be performed outside of your County hours.

Analysis and Opinion:

Sections 2-11.1(j) and (k) of the Miami-Dade 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/her official duties thereby creating a conflict between the employee's public duties and private interests. The County's Administrative Order 7-1 reiterates the general principle that County employees must conduct the public's business without even an appearance of conflicting loyalties: "Under no circumstances shall a County employee accept outside employment...where a real or apparent conflict of interest with one's official or public duties is possible."

Miami-Dade County employees are required to obtain approval from their department directors/supervisors prior to engaging in outside employment. *See* County's Administrative Order 7-1. Directors/Supervisors may request an opinion from the Miami-Dade County Ethics Commission regarding conflicts of interest in outside employment. *See* INQ 19-101; INQ 13-28.

The County's Administrative Order No. 7-1 gives a County department director/supervisor the discretion to deny outside employment if he or she finds that it is contrary, detrimental or adverse to the interest of the County and/or the employee's department. *See* RQO 16-02; RQO 00-10; INQ 12-49; INQ 13-28; INQ14-104; INQ 15-22; INQ 16-121.

The Miami-Dade County Ethics Code prohibits County employees from engaging in outside employment that is likely to create conflicts of interest between the employee's County responsibilities and their outside job duties. After reviewing the facts presented here, we find that your outside employment as a life insurance agent is not likely to cause conflicts of interest between your private interest and your public duties. This is because there is no overlap between your public duties as an environmental chemist and your outside employment. Here, you will not be assisting the same clients, you will not use the same resources, and the work would be performed outside your County hours.

Nevertheless, you must abide by certain limitations and cautions outlined below to avoid a conflict:

- You may not use County time or resources in your outside employment. *See* Section 2-11.1 (g), Miami-Dade County Ethics Code; INQ 19-123; INQ 20-43.

- You shall not engage in activities that relate in any way to your outside employment during regular business hours, including phone calls, or any other communication and/or use of County resources (including but not limited to phones, copiers, computers, fax machines, County vehicles, in connection with your outside employment, even after work). *See* Sections 2-11.1 (j) and (g), Miami-Dade County Ethics Code; AO 5-5, AO 7-1; INQ 05-29, and INQ 15-240.
- You are prohibited from disclosing and/or using any confidential and/or proprietary information acquired as a result of your County employment to derive a personal benefit, for the benefit of Primerica, or for the benefit of Primerica clients. *See* Section 2-11.1(h), Miami-Dade County Ethics Code.
- You may not exploit your County position to secure special privileges or exemptions for yourself, Primerica, or Primerica clients. *See* Section 2-11.1(g), Miami-Dade County Ethics Code.
- You may not represent Primerica or Primerica clients before any County board or agency. *See* Section 2-11.1(m)(1), Miami-Dade County Ethics Code; RQO 04-173. Notably, while it does not appear that lobbying activities are a part of your potential duties for Primerica, it is important to note that you would be prohibited from doing any such activities on behalf of Primerica or its clients.
- You shall obtain permission to engage in outside employment on an annual basis by filing a Request for Outside Employment with your department director and shall file an Outside Employment Statement with the County’s Elections Department by noon on July 1st of each year. *See* Section 2-11.1(k)(2), Miami-Dade County Ethics Code.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

We appreciate your consulting with the Commission in order to avoid possible prohibited conflicts of interest. If the facts associated with your inquiry change, please contact us for additional guidance.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.