



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: Sandra Cail, Investigations Specialist 1, Miami-Dade Corrections and Rehabilitation Department

FROM: Gilma Diaz-Greco, Staff Attorney
Commission on Ethics

SUBJECT: INQ 2021-07

DATE: 1-21-2021

CC: COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding Miami-Dade County employees applying to become a County vendor.

Facts:

You are employed as an Investigations Specialist 1 working at the Miami-Dade Corrections and Rehabilitation Department (“MDCR”). Your application for a County Vendor ethics opinion dated 1-5-2021 indicates that you are seeking to contract with the County through your privately-owned company, Broadway Facilities Cleaning Services (BFCS), a Florida Limited Liability Corporation that provides janitorial cleaning services.

Your County job duties as a C & R Investigations Spec. 1 at MDCR do not include selection, oversight, or administration of any MDCR or other County department cleaning or janitorial services contracts.

Issue:

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”) would prevent BFCS from contracting with the County.

Discussion and Opinion

Your inquiry involves several sections of the County Ethics Code which are analyzed below:

A. Outside Employment

Please note that working for your privately-owned company is considered outside employment.

While you are engaged in outside employment, you must, on a yearly basis, request permission to engage in that outside employment through the County's online Outside Employment Portal in Epars. You must also complete the [Outside Employment Statement](#) yearly by noon July 1st, if you are a full-time County employee.

B. Contracting with the County

The County Ethics Code at Sections 2-11.1 (c)(2) and (d) allow you to enter into a contract, individually or through a firm, with Miami-Dade County, as long as the contract does not interfere with the full and faithful discharge of your duties to MDCR and/or the County as a whole.

This means that you shall not participate in determining the contract requirements or in awarding any contract to BFCS. Additionally, none of your County/department responsibilities and job descriptions shall require you to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination, or forbearance. In your case, this means that BFCS may not enter into contracts with MDCR. *See* County Ethics Code §§ 2-11.1 (c) and (n).

C. Lobbying

Furthermore, you may not lobby the County on behalf of BFCS. This means that you may not appear before the County on behalf of BFCS or any of its customers, nor contact anyone within the County in an attempt to influence a decision about any County contract your company is seeking. *See* the County Ethics Code § 2-11.1 (m)(1).

D. Exploitation of Official Position

Finally, the County Ethics Code prohibits County employees from exploitation of their official position. In this instance, it means that you may not use your County position to secure **special privileges or exemptions** with respect to any County contract to which BFCS is applying. *See* County Ethics Code § 2-11.1(g).

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.

Please submit this memorandum to the Procurement Department. The Ethics Commission does not submit it on your behalf.

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.