

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Friday, September 30, 2016 12:17 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Yvette Harrell, City Manager, City of Opa-locka (Outside Employment) INQ 16-222

INQ 16-222 Harrell

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**From:** Turay, Radia (COE)  
**Sent:** Friday, September 30, 2016 12:03 PM  
**To:** 'Yvette Harrell' <[yharrell@Opalockafl.gov](mailto:yharrell@Opalockafl.gov)>  
**Cc:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>; Perez, Martha D. (COE) <[perezmd@miamidade.gov](mailto:perezmd@miamidade.gov)>; Diaz-Greco, Gilma M. (COE) <[Gilma.Diaz-Greco@miamidade.gov](mailto:Gilma.Diaz-Greco@miamidade.gov)>; Sanchez, Rodzandra (COE) <[Rodzandra.Sanchez@miamidade.gov](mailto:Rodzandra.Sanchez@miamidade.gov)>  
**Subject:** RE: Need an Opinion

Dear Ms. Harrell,

You have inquired concerning whether a prohibited conflict of interest exists where you, a full-time employee for the City of Opa-locka, have requested permission to engage in outside employment operating/managing your own law firm. This opinion is limited to the issue of whether a prohibited conflict of interests exists with regard to your proposed outside employment; it does not address the question as to whether your supervisors should, in fact, grant you permission to engage in the proposed outside employment.

As background, you are the City Manager for the City of Opa-locka. Your job responsibilities include appointing, hiring, promoting, supervising, and removing all City employees, except the City Attorney, and the City Clerk; directing and supervising the administration of all departments and offices but not City boards or committees, unless so directed by the City Commission from time to time; and attending Commission meetings during which you have the right to take part in the discussion, but not the right to vote.

You are seeking to engage in outside employment as a self-employer, for your law firm, The Law Office of Y J Harrell, PLLC. Your law firm's area of practice is mainly family law and personal injury related matters. You have represented to the Commission on Ethics ("COE") that none of your current clients work for the City of Opa-locka, nor do they serve in any elected position at the City of Opa-locka, nor are they contractors/vendors for the City of Opa-locka. You also indicated that you have gone a step further and spoken with each of your current clients, and have confirmed that none of them have any familial connection with an elected official or employee of the City of Opa-locka.

Further, you have indicated that you anticipate working no more than 2-5 hours per week for your law firm. Please note that, while no particular number of hours for outside employment is specified under the County Ethics Code, your supervisors, in reviewing your request to engage in outside employment, must evaluate whether the number of hours that you will spend in your outside employment is likely to affect the staffing requirements of the City and/or is likely to affect the performance of your public duties. *See e.g.* RQO 12-11 (outside employment as private real estate agents is prohibited for government real estate officers because government real estate officers are granted a high level of autonomy to conduct government business, and it would be difficult to monitor the amount of time real estate officers spent on their private clients during the course of their government work day).

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 his or her public 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 City duties as a City Manager of the City of Opa-locka. However, please be advised that, assuming your supervisors approve your request for outside employment, you will be subject to several limitations under the County Ethics Code.

In your employment with your law firm, you may not represent any City elected official, employee, contractor/vendor, or lobbyist; you may not file any law suit, nor represent any person in a law suit or other legal claim against the City of Opa-locka; you may not utilize any City resources –including time, facilities, telephone or computer services, vehicles etc- in furtherance of your outside employment. Government employees also 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.

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 supervisors 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.

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

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**From:** Yvette Harrell [<mailto:yharrell@Opalockafl.gov>]

**Sent:** Thursday, September 22, 2016 11:36 AM

**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>

**Subject:** Need an Opinion

Ms. Turay:

It's been a while, but I now have a need for a formal opinion on my operation of my law firm.

Please advise as to how I can have an ethics opinion as to whether there is a conflict for me to operate my law firm and also work as the City Manager of The City of Opa-locka.

Additionally, I need to know whether Section 2-11.1 if the MDC Code applies to me since I was previously operating the firm PRIOR to my becoming an employee with the City.

Thank you in advance.

**Kindest Regards,**

**Yvette J. Harrell, Esq.**  
City Manager

**OPA-TISHA-WOCKA-LOCKA**



**The GREAT CITY**

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