

Sanchez, Rodzandra (COE)

From: Turay, Radia (COE)
Sent: Wednesday, June 14, 2017 12:41 PM
To: Sanchez, Rodzandra (COE)
Cc: Diaz-Greco, Gilma M. (COE); Perez, Martha D. (COE)
Subject: FW: INQ 17-154, Sergeant Knight, Miami-Dade Corrections and Rehabilitation Bureau (MDCR)
Attachments: Lashonda Knight.pdf

From: Turay, Radia (COE)
Sent: Wednesday, June 14, 2017 12:41 PM
To: Knight, Lashonda (MDCR) <Lashonda.Knight@miamidade.gov>; Kirkland, Tina (MDCR) <Tina.Kirkland@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: INQ 17-154, Sergeant Knight, Miami-Dade Corrections and Rehabilitation Bureau (MDCR)

Dear Sergeant Knight,

You have inquired whether a conflict of interest exists under the Ethics Code between your County employment and your proposed outside employment as a landlord of two rental units.

Background

You are a Correctional Sergeant with the Security and Internal Affairs Bureau at Miami-Dade Corrections and Rehabilitation Department (MDCR). Your current job responsibilities include processing complaints and investigating employee misconduct.

You are seeking to engage in outside employment as a landlord of two rental units. In your role as a landlord you will collect rent, conduct inspections, and perform maintenance on the various properties. You also receive direct deposit from Miami-Dade County Housing Department as a Section 8 landlord.

The Ethics Commission in past opinions has held that “[a] County employee who owns *less* than three (3) rental units is not engaged in outside employment.” See RQO 06-48; INQ 14-14; INQ 13-309; See also Ethics Commission “Outside Employment Guidelines” Memorandum (September 2014).

It has been brought to our attention that the department that you work for, Miami-Dade Corrections and Rehabilitation Department (MDCR), issued Miami-Dade Corrections DSOP 6-026, which strictly states that “[o]wner[s] of 2 or more rental properties” must request approval for outside employment.

The Ethics Commission has generally acknowledged that County Departments may adopt rules that are more stringent than the County Ethics Ordinance. In such situations, the employees **must** follow the stricter rules that were set by their department.

You have submitted a request for outside employment per your department’s policy. Please find our opinion below as to whether a conflict of interest exists under the Ethics Code between your County employment and your proposed outside employment.

Legal Analysis

Sections 2-11.1(j) and (k) of the 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 or her official 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 judgment in the performance of your duties as a Correctional Sergeant at MDCR.

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 supervisor 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. Government employees are also 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 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.

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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MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT



Request for Outside Employment

Outside Employment means providing personal services, other than to Miami-Dade County, that are compensated or traditionally compensated, including but not limited to being an employee, an independent contractor, an agent, or self-employment.

Pursuant to Miami-Dade Code 2-11 and 2-11.1, Miami-Dade County employees may accept incidental or occasional outside employment as long as the employment is not contrary, detrimental, or adverse to the interests of the County and as long as no County time, equipment, or other resources are used. According to Miami-Dade County Administrative Order 7-1, Procedure 403, and Section 2-11, employees who engage or intending to engage in any outside employment must first obtain approval from the Department Director utilizing this Request for Outside Employment form. Approvals must be renewed on an annual basis. Copies of all outside employment approvals shall be maintained in the centralized personnel files of the Human Resources Department. The Miami-Dade Corrections and Rehabilitation Department (MDCR) shall also maintain appropriate records regarding outside employment requests. Section 2-11.1(g), explains the violation of public's time and/or resources used in the performance of outside employment which may constitute an "exploitation of official position. Section 2-11.1(h), states that no Miami-Dade County employee may accept employment or engage in any business or professional activity which might reasonably expect, require or induce the employee to disclose confidential information acquired by reason of official position. Section 2-11.1(j) of the Ordinance, states no Miami-Dade County employee may accept other employment which would impair the employee independence, judgmental or duties performance.

Full-time County employees engaging in outside employment must also file an [Outside Employment Statement](#) form with the Elections Department by July 1st of each year, in accordance with §2-11.1(k)(2) of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance. More detailed information for outside employment is available on the Miami-Dade Commission on Ethics website at: <http://ethics.miamidade.gov/outside-employment.asp>.

EMPLOYEE INFORMATION

NAME: Lashonda Knight	EMPLOYEE IDENTIFICATION NO.: 14960
MDCR CLASSIFICATION/RANK: Correctional Sergeant	FACILITY/BUREAU: SIAB
JOB RESPONSIBILITIES: Process complaints and investigate employee misconduct.	

PROPOSED OUTSIDE EMPLOYMENT

NAME OF COMPANY/ORGANIZATION: Lashonda Knight	
ADDRESS: 1441 NW 179th Street, Miami, FL 33169	
JOB TITLE: Landlord	
DETAILED DESCRIPTION OF DUTIES: Collect rent, conduct inspections, property maintenance, etc.	
WORK SCHEDULE: Saturday/Sunday/Monday - various times	TOTAL HOURS PER WEEK: No more than 5 hours a month
WILL YOUR PROPOSED OUTSIDE EMPLOYER RELEASE YOU IF AND WHEN YOUR SERVICES ARE NEEDED BY MIAMI-DADE COUNTY OR MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT (MDCR)? YES <input checked="" type="radio"/> NO <input type="radio"/>	
In my outside employment, I am employed by one of the following types of organizations:	
<input type="radio"/> Company or organization that is not a County Vendor.	
<input type="radio"/> Company or organization that is a County vendor. (An Ethics Opinion (for County Employees) form should be requested to ensure that no conflict of interest exists; e.g., Vendor conducts business with MDCR. Additionally, you are required to file a sworn Affidavit disclosing such employment with the County Clerk of the Board.)	
<input checked="" type="radio"/> Self-employed through my private business, whether incorporated or not. (If your privately-owned business is seeking to contract with Miami-Dade County, you are required to complete an Ethics Opinion (for County Employees) form.)	
<input type="radio"/> Company or organization owned by an immediate family member; defined as a spouse, domestic partner, parents, stepparents, children, and stepchildren of employee. (If the company owned by your immediate family member is seeking to contract with Miami-Dade County, you are required to complete an Ethics Opinion (for Relatives of County Employees) form.)	
NOTE: ALL FORMS SHALL BE SUBMITTED TO THE PERSONNEL MANAGEMENT BUREAU (PMB) VIA THE CHAIN OF COMMAND. THE PMB SHALL FORWARD THE COMPLETED FORMS TO THE COUNTY CLERK OF THE BOARD ON BEHALF OF THE EMPLOYEE.	

RECEIVED
2011 JAN 20 P 12:55
PERSONNEL BUREAU
CENTRAL RECORDS OFFICE



MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT



Request for Outside Employment

My outside employment will be performed during off-duty hours; hence, no part of such employment will be conducted on Miami-Dade County time. The work will not exceed 20 hours per week. The outside employment will not adversely affect my job performance or represent a conflict of interest or ethical concern with Miami-Dade County. In addition, it is not contrary, detrimental, or adverse to the interest of Miami-Dade County or Miami-Dade Corrections and Rehabilitation Department. I understand that I am subject to recall to duty at any time, approval is only for the employment listed, and continued approval is not assured. No Miami-Dade County equipment, material, instrument or facility will be used.

In accordance with Miami-Dade County Code Section 1, Section 2-56.1(d), Off-regular-duty police services shall mean and include any police services rendered by a Law Enforcement Officer or Correctional Officer during a period or periods of time not within the regular assigned hours of duty except for those police services performed by Correctional Officers on behalf of a state, county or municipal law enforcement agency other than Miami-Dade County pursuant to that agency's supervision and authority and otherwise in accordance with applicable state law. Correctional Officers shall not be considered to be acting within the course and scope of their official duties for Miami-Dade County whenever they are performing police work on behalf of any state, county or municipal law enforcement agency other than Miami-Dade County.

I certify that the information provided is true and correct and I have read and understand the conditions specified in this form and applicable Departmental Standard Operating Procedures concerning outside employment, and I agree to abide by the contents thereof, including any terms and conditions of such employment. I understand that failure to comply with indicated stipulations will be cause for revocation of my approval and could result in possible disciplinary action against me. I also understand and agree that approval or denial is entirely at the discretion of the Director.

Employee Signature

Date

1/18/17

Facility/Bureau Supervisor

Date

1/20/17

APPROVED

DISAPPROVED

Personnel Management Bureau Commander

Date

Division Chief

Date

Assistant Director

Date

Department Director

Date