

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, June 28, 2018 10:26 AM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-157, Shawntia Kirkland, Personnel Specialist 2, MDCR (c)

INQ 18-157 Kirkland

From: Turay, Radia (COE)
Sent: Monday, June 25, 2018 11:46 AM
To: Diasgranados, Juan (MDCR) <Juan.Diasgranados@miamidade.gov>
Cc: Kirkland, Tina (MDCR) <Tina.Kirkland@miamidade.gov>; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Billue, Rodrick (MDCR) <Rodrick.Billue@miamidade.gov>
Subject: INQ 18-157, Shawntia Kirkland, Personnel Specialist 2, MDCR (c)

Dear Ms. Kirkland,

You have inquired whether a conflict of interest exists where a Miami-Dade Corrections and Rehabilitations (MDCR) Department employee, who owns a food truck, participates in MDCR's Food Truck Friday program.

Background

- MDCR has a Food Truck Friday Program (Program). It's a program through which MDCR invites food trucks to sell food at various Corrections facilities. All food trucks that are invited to participate are required to provide MDCR 10% of their total sales which is then used by MDCR for its various fundraising efforts including United Way, Breast Cancer Awareness Month, Correctional Officer week, etc.
- There are no eligibility or qualification criteria for participation in the program. The food trucks that participate in the Program are recommended and selected exclusively by MDCR employees.
- An MDCR employee, Mr. Rodrick Billue, owns a food truck named Grill on Wheelz BBQ and Catering.
- He was previously approved to engage in outside employment as the owner of the food truck.
- MDCR has inquired whether Mr. Billue's food truck can participate in the MDCR food truck Friday Program.

Analysis

Sections 2-11.1(c)(2) of the Ethics Code provides that no County employee or their immediate family member may transact business with the County if the employee works in the County department administering, enforcing or otherwise overseeing the transaction.

In RQO 18-01, the Ethics Commission discussed the fact that it is inherently improper for a County employee to have any personal financial interest in any request or application to a program made to his or her County department, either personally or through an immediate family member, when the County employee works in the department overseeing or administering the program. See Section 2-11.1(c)(2); RQO 18-01, and INQ 13-274.

Based on the information provided, it appears that the arrangement described herein triggers the express prohibition on transacting business with the County under Sections 2-11.1(c)(2) of the Ethics Code. The fact that the food trucks that are invited to participate are required to provide MDCR 10% of their total sales, creates a contract and/or a creditor-debtor relationship between the County and the food truck owner. As the Ethics Commission opined in RQO 18-01, it would be inherently improper for a County employee or his or her immediate family member to participate in such a Program with

the County department that employs him, where the department oversees or administers the program. See Section 2-11.1(c)(2); RQO 18-01, and INQ 13-274.

Additionally, Section 2-11.1(g) of the County Ethics Code (*Exploitation of Official Position*) prohibits County officials and employees from using or attempting to use their official position with the County in any way that results in a special benefit, privilege or exemption for the County employee, official or others.

Therefore, MDCR employee and/or their family members should not participate in the Corrections Food Truck Friday program because their relationships with MDCR and their familiarity with the Program creates an unfair advantage to the employee which may result in an exploitation of official position for the following reasons:

- The MDCR employee works in the same department which oversees and administers the Program;
- The Program is not advertised to the general public, resulting in MDCR employees being in a better position than other County employees and the general public to avail themselves to participation in the Program;
- There are no eligibility or qualification criteria for a food truck to participate in the Program; and
- Referral to the Program is at the sole discretion of the MDCR personnel.

Furthermore, MDCR personnel who, at their sole discretion, determine eligibility into the Program, must avoid a situation that could be perceived as giving preferential treatment to other County employees, especially employees within their own County department. See Section 2-11.1(g) of the Ethics Code, INQ 17-41, INQ 16-123, and INQ 113-136.

This opinion is based on the facts presented. If these facts 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: Diasgranados, Juan (MDCR)
Sent: Monday, June 18, 2018 11:28 AM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: Corrections Food Truck Friday

Hi,

Our food truck program is very informal.

We send out an email every other week letting folks know what truck is coming.

I have included a sample e-mail below... We speak to the trucks and let them know if they would like to participate, they must provide MDCR 10% of their total sales which go to our fundraisers including United Way, Breast Cancer Awareness Month, Correctional Officer week, etc.

We choose the vendors based on the staff population. Many of the staff at Metro-West like soul food, so we choose a soul food truck for them.... Pre-Trial likes seafood, so we choose a seafood truck for them, etc.

Juan D.

Good Afternoon,

This is a reminder that tomorrow, we will have food trucks at Pre-Trial and TGK(**RAIN OR SHINE**). Metro-West will not have a food truck this week.

Smokin Mama –Pre-Trial Detention Center



Conch it Up-TGK



They will be on site from 11 a.m. – 3:30 p.m. Please support these food trucks and remember a percentage of the proceeds will go to various activities put on by CAU.

Please note that eating and ordering from the Food Trucks is at your own risk.

We plan on rotating and bringing new trucks every other week to the facilities. Please continue to send your suggestions over.

Many Thanks!

From: Turay, Radia (COE)
Sent: Monday, June 18, 2018 10:58 AM
To: Diasgranados, Juan (MDCR) <Juan.Diasgranados@miamidade.gov>
Subject: Corrections Food Truck Friday

Hello Mr. Diasgranados,

It was a pleasure speaking to you the other day. I am the staff attorney handling the request for ethics opinion regarding Corrections employee Rodrick Billue, and his company Grill on Wheelz BBQ and Catering. I need a little more assistance.

- 1) Please send me any write-up that you have regarding the Corrections Foodtruck Friday program
- 2) Please send me any documentation/agreement/contract that is sent to the vendors that participate in the program (including any agreement in which they agree to give 10% of their sales proceeds back to Corrections)
- 3) Please describe how the vendors are selected?

I really appreciate all your assistance with this.

Thank-you,

RADIA TURAY

Staff Attorney

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