



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Ulysses Gipson
Senior Aviation Property Manager
Aviation Department

Michele Raymond
Division Director, Real Estate Management & Development
Aviation Department

FROM: Nolen Andrew Bunker, Staff Attorney
Commission on Ethics

SUBJECT: INQ 2021-137, Section 2-11.1(j) & (k), County Conflict of Interest and Code of Ethics, Conflicting employment prohibited.

DATE: October 20, 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 Mr. Ulysses Gipson's proposed outside employment.

Facts

An inquiry has been submitted concerning whether a conflict of interest would exist were Mr. Ulysses Gipson, an employee of the Miami-Dade County Aviation Department ("MDAD"), to engage in outside employment as an instructor teaching a Florida pre-license real estate course for Miami-Dade College ("MDC") on their Wolfson Campus.

With regard to Mr. Gipson's current employment, he is employed by MDAD as a Senior Aviation Property Manager. His job duties include supervising and participating in the planning and management of aviation leasing programs for Miami-Dade County's General Aviation Airports, specifically Miami-Opa locka Executive Airport ("OPF"), Dade-Collier Training and Transaction Airport ("TNT"), and decommissioned Opa locka West Airport. Specifically, he reviews and evaluates applications for leases and permits, evaluates and monitors airport leaseholds and facilities, and initiates and maintains positive tenant relations. He also coordinates airport

construction projects with tenants to determine whether said projects are reimbursable, and works with MDAD Finance Division to monitor tenant finance accounts.

MDC's School of Aviation maintains leases with MDAD at two locations: Miami International Airport ("MIA") and Miami Executive Airport ("TMB").

Currently, Mr. Gipson does not supervise or manage any properties leased by MDC. However, Ms. Michele Raymond, Division Director of MDAD's Real Estate Management & Development Division, who supervises the Division in which Mr. Gipson works, provided additional information. Ms. Raymond advised that MDAD could not guarantee that Mr. Gipson would never be required to supervise or manage a property/facility leased by MDC in the future.

Issue

Whether any prohibited conflict of interest may exist between Mr. Gipson's County employment and his proposed outside employment as an instructor for Miami-Dade College.

Law & Analysis

The Miami-Dade County Conflict of Interest and Code of Ethics prohibits county employees from accepting outside employment, "which would impair his or her independence of judgment in the performance of his or her public duties." Section 2-11.1(j); *see also* section 2-11.1(k). Additionally, Miami-Dade County Administrative Order 7-1 provides that, "[u]nder 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."

County employees are required to obtain approval from their department director prior to engaging in outside employment. *See* AO 7-1. Departmental directors and their subordinate supervisors may request an opinion from the Miami-Dade Commission on Ethics and Public Trust regarding any potential conflict of interest concerning the proposed outside employment. *See* INQ 21-111; INQ 19-101. Department directors and their subordinate supervisors have the discretion to deny a request for outside employment if they determine that, at any time, the proposed outside employment would be contrary, detrimental, or adverse to the interests of the County or the employee's department. *See* RQO 16-02; RQO 00-10; INQ 13-28.

The Commission on Ethics staff has previously concluded that a conflict of interest existed when an MDAD Property Manager sought outside employment with MDC as an adjunct professor. *See* INQ 15-77. Additionally, the Commission on Ethics has opined that the County Conflict of Interest and Code of Ethics prohibited MDAD's Maintenance Division Manager from engaging in outside employment as a consultant with a County contractor on the then-ongoing North Runway Project at MIA because "it would impair his independence of judgment and might reasonably be expected to induce him to disclose confidential information." RQO 99-50. *See also* INQ 17-162 (advising that the County Conflict of Interest and Code of Ethics prohibited an MDAD Terminal Operations Specialist from obtaining outside employment with Eulen America, a County vendor contracted as a General Aviation Support Permittee).

In contrast with these opinions, the Commission on Ethics staff concluded that, an MDAD Technical Services Planner Scheduler, in the Maintenance Planning Engineering and Construction Division, did not have a conflict of interest when seeking outside employment with a County vendor – PJV Engineering, Inc. – whose contract was overseen by the same division in which the employee worked. *See* INQ 20-29. However, under the facts presented in INQ 20-29, that County employee’s Division Director advised that the County employee seeking outside employment *did not* work for the particular section within the Division overseeing the vendor’s contract, and that the County employee *would never* review or approve any documentation from the vendor or have any oversight over the vendor’s contract. That is not the set of facts presented here.

Here, the facts surrounding Mr. Gipson’s proposed outside employment are most consistent with the factual scenario presented in INQ 15-77. Just as in that inquiry, Mr. Gipson is employed by MDAD, working in Property Management, as part of the Real Estate Management & Development Division, and the Division Director has advised that MDAD could not guarantee that Mr. Gipson will never be called upon to oversee or manage properties leased by MDC, his proposed outside employer.

Opinion

Based on the facts presented here and discussed above, Mr. Gipson would have a conflict of interest in his proposed outside employment with MDC.

The Commission on Ethics is aware that employees may seek outside employment in order to earn additional income or to address economic hardship. We encourage MDAD employees seeking outside employment to look to entities that do not have a contractual relationship with MDAD.

This opinion is based on the facts presented. If these facts change, or if there are any further questions, please contact the above-named Staff Attorney.

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.