



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

Overtown Transit Village North  
701 Northwest 1<sup>st</sup> Court · 8<sup>th</sup> Floor · Miami, Florida 33136  
Phone: (305) 579-2594 · Facsimile: (305) 579-0273  
Website: [ethics.miamidade.gov](http://ethics.miamidade.gov)

---

---

### MEMORANDUM

---

---

**TO:** Kamilah Cummings  
Registered Nurse  
Jackson Health Systems

**FROM:** Loressa Felix, Staff Attorney  
Commission on Ethics

**SUBJECT:** INQ 2021-157

**DATE:** December 21, 2021

**CC:** All COE Legal Staff

---

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding your participation in the Small Business Enterprise Program as a County employee and potential County vendor.

Facts:

You are employed by Jackson Health Systems (JHS)<sup>1</sup> as a registered nurse in pool status. As a pool status employee, you work only two weekends a month at JHS. You would like to apply for a Small Business Enterprise (SBE) certification with the Small Business Development (SBD) Division of the Internal Services Department (ISD).

---

<sup>1</sup> Members of the JHS/PHT are covered by the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (Ethics Code) and considered County employees for purposes of the Ethics Code. See Section 25A-9 of the Miami-Dade County Code and Code No.311 of the Policy and Procedure Manual of Jackson Health System. Additionally, pursuant to the Jackson Health System Employee Code of Conduct, "Jackson employees are required to adhere to the conflict of interest regulations as outlined in Florida Statute Chapter 112.313, Section 2- 11.1 of the Miami-Dade County Code (Conflict of Interest and Code of Ethics Ordinance), and JHS Policy and Procedure Manual Code No. 158 Conflict of Interest." (internal quotation omitted).

We Screen LLC (We Screen), your privately-owned company, is seeking certification through the SBE program in its efforts to contract with the County and become a County vendor. We Screen is a drug and alcohol test collection center that also offers DNA paternity testing, free rapid and PCR Covid testing, fingerprint background checks, and notary service.

Miami-Dade County's SBE Certification programs were created for any business entity providing construction, architectural, engineering, goods, services, and aeronautical support services.

### Analysis and Opinion

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

#### A. Outside Employment

Work conducted for We Screen, your privately-owned business, constitutes outside employment. The County Ethics Code prohibits County employees from engaging in conflicting outside employment. Conflicting employment is sometimes created when a County employee comes in contact with the same or similar people or entities in both her outside employment and in her County job or when she uses the same or similar resources in her outside employment as she uses in her County work. Also note that you may not use County time or resources in the performance of your outside employment. *See* County Ethics Code §§ 2-11.1 (g) and (j), Miami-Dade Code 2-11, and Administrative Order 7-1.

*Please note that this memorandum does not grant you permission to engage in outside employment. You must obtain permission to engage in outside employment yearly from your department Director.*

#### B. Contracting with the County

Once you have been granted permission to engage in outside employment by your department director, you may enter into a County contract through your privately-owned business, We Screen, provided that the contract does not interfere with the full and faithful discharge of your duties to the County. *See* Sections 2-11.1(c)(2) and (d), Miami-Dade County Ethics Code.

This includes the condition that you may not participate in determining the contract/workshop or certification requirements or in awarding the contract or certification. Additionally, none of your County job responsibilities and job

descriptions may require you to be involved in the contract/workshops or the certification in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination, or forbearance. Finally, you may not work in any County department that would enforce, oversee or administer the contract/workshop or certification. *See* Sections 2-11.1(c) and (n), Miami-Dade County Ethics Code. Consequently, We Screen **may not** enter contracts with JHS.

C. Lobbying

Additionally, you may not lobby the County. In this case, it means that you may not contact anyone within the County in an attempt to influence a decision about We Screen's application for SBE certification or any contract We Screen may seek. *See* Section 2-11.1(m)(1), Miami-Dade County Ethics Code.

D. Exploitation of Official Position

Finally, the County Ethics Code prohibits County employees from exploitation of their official position. This means that you may not use your County position to secure **special privileges or exemptions** with respect to any certification program or County contract to which We Screen is applying. *See* Section 2-11.1(g), Miami-Dade County Ethics Code.

***Please submit this memorandum to the Small Business Development division of the Internal Services Department. The Ethics Commission does not submit it on your behalf.***

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.

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.