



## 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:** Sharlyn D. Williams, Systems Analyst/Programmer 1, Miami-Dade Information Technology Department

**FROM:** Gilma Diaz-Greco, Staff Attorney  
Commission on Ethics

**SUBJECT:** INQ 2021-04

**DATE:** 1-15-2021

**CC:** COE Legal Staff; Lars Schmeckel, Chief Security Officer; Edgardo Sanchez, Systems Support Manager, Security Division, Miami-Dade Information Technology Department

---

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding Miami-Dade County employees applying to become a County vendor.

Facts:

You are employed as a Systems Analyst/Programmer 1 working at the Miami-Dade Information Technology Department's (ITD) Security Division. You would like to contract with the County through your privately-owned company, DIOS, LLC. ("DIOS"), a Florida for profit Limited Liability Corporation that provides child and elderly transportation services and a related Application that provides transportation monitoring.

Your job duties as an ITD Systems Analyst Programmer 1 include serving as the local agency security liaison between ITD and the Miami-Dade Corrections and Rehabilitation Department (MDCR); overseeing and administering MDCR's Health Services Information system to provide clearance to Jackson Health System staff that provides services to MDRC inmates; providing MDCR with general IT technical assistance; administering ITD's online Secure IT Training database; and working as an IT Elections Specialist for Miami-Dade primary and general elections. ITD employees are only granted access to County IT networks based on their job titles and duties. This means that your access to

County IT systems is limited to the systems required to perform your job duties and you do not have access to any other County IT systems.

Your County job duties do not include involvement in any oversight or administration of transportation services or contracts (including inmate transportation contracts administered by MDCR).

Issue:

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”) would prevent DIOS from contracting with the County.

Discussion and Opinion

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

A. Outside Employment

Please note that working for your privately-owned company is considered outside employment. The COE opined in [INQ 2021-03](#) that your proposed OE with your privately owned company did not create prohibited conflicts of interest.

Nevertheless, while you are engaged in outside employment, you must, on a yearly basis, request permission to engage in that outside employment. You must also complete the [Outside Employment Statement](#) yearly by noon July 1<sup>st</sup> if you are a full-time County employee.

B. Contracting with the County

The County Ethics Code at Sections 2-11.1 (c)(2) and (d) allow you to enter into a contract, individually or through a firm, with Miami-Dade County, as long as the contract does not interfere with the full and faithful discharge of your duties to the Information Technology Department and/or the County as a whole.

This means that you shall not participate in determining the contract requirements or in awarding any contract to DIOS. Additionally, none of your County/department responsibilities and job descriptions shall require you to be involved in the contract in any way including, but not limited to, its enforcement,

oversight, administration, amendment, extension, termination, or forbearance. In your case, this means that DIOS may not enter into contracts with ITD, MDCR, or other County departments to which you are assigned in your County duties. *See* County Ethics Code §§ 2-11.1 (c) and (n).

C. Lobbying

Furthermore, you may not lobby the County on behalf of DIOS. This means that you may not appear before the County on behalf of DIOS, nor contact anyone within the County in an attempt to influence a decision about any contract for DIOS. *See* the County Ethics Code § 2-11.1 (m)(1).

D. Exploitation of Official Position

Finally, the County Ethics Code prohibits County employees from exploitation of their official position. In this instance, it means that you may not use your County position to secure **special privileges or exemptions** with respect to any County contract to which DIOS is applying. *See* County Ethics Code § 2-11.1(g).

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.

*Please submit this memorandum to the Procurement Department. The Ethics Commission does not submit it on your behalf.*

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.