



## 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:** Sauveur Benz Joseph  
Parking Lot Attendant Supervisor  
Miami-Dade County Internal Services Department

Lorena Zapustas  
Assistant Division Director  
Miami-Dade County Internal Services Department

**FROM:** Nolen Andrew Bunker, Staff Attorney  
Commission on Ethics

**SUBJECT:** INQ 2022-112, Section 2-11.1(g), Exploitation of official position prohibited, Section 2-11(j), Conflicting employment prohibited, and Section 2-11.1(k), Prohibition on outside employment.

**DATE:** June 29, 2022

**CC:** All COE Legal Staff

---

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding possible ethics issues.

#### Facts

An inquiry has been submitted concerning whether any conflicts of interest may arise under the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”) from the rental of advertising space in County-owned buildings by a County employee’s private business.

Mr. Sauveur Benz Joseph is employed by the Miami-Dade Internal Services Department (“ISD”) as a Parking Lot Attendant Supervisor. In that position, his primary responsibilities are the supervision of the parking attendants at three County-owned parking garages: Hickman Garage, West Lot Garage, and Miami-Dade Cultural Center Garage. He also has responsibility for the Overtown Transit Village Garage, though that garage does not have a permanent parking attendant, as well as the Civic Center Jury Lot and the Civic Center Lot 25 (Kristi House).

Mr. Benz Joseph owns and operates a Florida limited liability company, Benz Tax Services LLC (“BTS”). BTS provides the following services: tax filing preparation, tax planning, financial reports, payroll services, bookkeeping services, budget analysis, and certified internal auditor services. Mr. Benz Joseph advised that he does not use County resources to operate BTS, that his duties related to BTS only occur outside of the times/hours that he will be expected to perform his County duties, and that in his position with BTS he will not encounter the same or similar people or entities as in his County position. Mr. Benz Joseph further advised that neither he nor BTS is a County vendor.

Miami-Dade County entered into a contract with City Media Advertising LLC (“City Media”), a Florida limited liability company, in October 2018, by which City Media provides advertising and marketing services to the County, specifically to allow for commercial advertising opportunities within the interior of County owned and managed parking facilities. Under the contract, City Media is responsible for installation, removal, maintenance, and repair of the advertising, and the County reserves the right to approve all advertising materials, creative content, and manner of presentation prior to installation. A Revenue Development Coordinator of the Miami-Dade County Office of Management and Budget (“OMB”) is assigned to negotiate the contract on behalf of the County and otherwise exercise the County’s approval right.

In November 2021, BTS contracted with City Media for wall mural advertisements in the Miami-Dade Cultural Center Garage and Overtown Transit Village Garage for a three-month period from December 2021 to March 2022. BTS also contracted with City Media for seventeen advertisements to be located in elevator cars in various County-owned and operated parking facilities from February 2022 to April 2022. The advertisements contained BTS’s name, phone number, e-mail address, a bullet-pointed list of services provided, and a photograph of a man in a suit who is not Mr. Benz Joseph.<sup>1</sup> The OMB Revenue Development Coordinator assigned to manage the contract between the County and City Media advised that, when she reviewed the proposed advertising contracts between BTS and City Media, Mr. Benz Joseph did not contact her regarding the contract and she stated that no special accommodation was given to these advertising contracts because of Mr. Benz Joseph’s County employment.

### Issue

Whether there is a prohibited conflict of interest that would prevent Mr. Benz Joseph from owning and operating BTS, or that would prevent BTS from renting advertising space in Miami-Dade County parking facilities.

### Analysis

This inquiry involves several sections of the County Ethics Code, each of which is analyzed in turn below:

---

<sup>1</sup> Mr. Benz Joseph advised that he is not the individual depicted in the advertisements.

A. Exploitation of Official Position Prohibited

The County Ethics Code provides that no County employee “shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others,” unless expressly permitted by ordinance. County Ethics Code § 2-11.1(g). This means that, through the process of BTS purchasing advertising space in County parking facilities through City Media,<sup>2</sup> Mr. Benz Joseph may not use his position as a County employee to gain unfair favor for BTS. *See* INQ 21-42 (County employee may not use his County position to gain unfair favor with respect the County contract to which his privately owned and operated company was applying); INQ 21-10 (County Commissioner working as a director for a non-profit organization may not use his County position to gain unfair favor in funding/grant requests). Here, there is no indication that Mr. Benz Joseph used his County position to gain any special favor for BTS’s advertising contract, and he is cautioned that if he again purchases advertising space in County parking facilities, that he may not use his County position to gain a special advantage.

Additionally, Mr. Benz Joseph may not, during his County working hours, promote BTS, hand out BTS business cards, refer County clients to BTS services, or otherwise discuss BTS, whether with County employees or the public, as this would likely constitute an exploitation of his official position. *See* INQ 19-101 (a Tax Record Specialist with the Miami-Dade County Finance Department who also owned and operated a private tax-preparation business may not mention his private business to County clients, and he may not offer his private business services to anyone during County hours, including co-workers); *see also* INQ 18-179 (City of South Miami Commissioner may not use city resources to promote an individual private business); INQ 17-175 (a County-employed veterinarian who also had a private veterinary practice may not, while on County duty, make referrals to her private practice or promote her private practice by handing out business cards). Mr. Benz Joseph also may not ask or permit the employees over which he has supervisory authority to promote BTS or refer others to BTS. *See* County Ethics Code § 2-11.1(p); INQ 19-101.

---

<sup>2</sup> Generally, sections 2-11.1(c) and (d) of the County Ethics Code permit County employees to transact business with the County only if the contract does not interfere with the full and faithful discharge of the County employee’s duties, the County employee does not participate in negotiating or awarding the contract, and the County employee’s job duties will not require him or her to be involved with enforcing or overseeing the contract. Additionally, the County Ethics Code prohibits a County employee from transacting business with the County department for which he or she works. *See* County Ethics Code § 2-11.1(c)(2). However, here, there are no prohibited conflicts of interest pursuant to sections 2-11.1(c) and (d) of the County Ethics Code because the contract for advertising space is with City Media, not the County, and because Mr. Benz Joseph is not involved in the negotiation, enforcement, or oversight of the contract between the County and City Media.

B. Conflicting Employment Prohibited & Prohibition on Outside Employment

The County Ethics Code 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). 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.” Conflicting employment can occur when a County employee encounters the same or similar persons or entities in both her County and outside employment. County employees may not use County time or resources in the performance of their outside employment. *See* INQ 21-27; INQ 20-21.

Work conducted for BTS by Mr. Benz Joseph constitutes outside employment, as defined by the County Ethics Code. *See* RQO 17-03. Based on the information provided to us at this time, it appears to be unlikely that the type of outside employment that Mr. Benz Joseph engages in through BTS would impair his independence of judgment in the performance of his County duties as a Parking Lot Attendant Supervisor with ISD. *See* RQO 17-01; RQO 16-02; INQ 21-27; INQ 20-21.

However, County 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* AO 7-1; RQO 16-02; RQO 00-10; INQ 13-28. **Accordingly, this memorandum does not grant permission to engage in outside employment. Mr. Benz Joseph must obtain permission to engage in outside employment yearly from his department director.<sup>3</sup> Given that he is a full-time employee, he must also file with the County Election’s Department an outside employment financial disclosure form – Outside Employment Statement – on July 1st of each year for income from outside employment earned during the preceding year.** *See* County Ethics Code § 2-11.1(k)(2).

C. Certain Appearances and Payment Prohibited

Finally, Mr. Benz Joseph may not lobby the County. In this case, it does not appear that he lobbied the County regarding BTS’s advertising because the OMB Revenue Development Coordinator assigned to manage the contract between the County and City Media advised

---

<sup>3</sup> Mr. Benz Joseph has previously requested approval for his outside employment with the City of Miami Beach as a Parking Enforcement Officer, which the County Commission on Ethics has opined did not give rise to a conflict of interest, provided Mr. Benz Joseph abided by certain restrictions. *See* INQ 22-31. **Mr. Benz Joseph is reminded that he must file an Outside Employment Statement with the County’s Elections Department by noon on July 1st of each year that includes each “source of the outside employment, the nature of the work being done . . . , and any amount or types of money or other consideration received by the employee from said outside employment,” for the preceding calendar year.** *See* County Ethics Code § 2-11.1(k)(2).

that she had no contact with him regarding BTS's contract with City Media for the parking facility advertising space. We nevertheless caution Mr. Benz Joseph that, in future, he may not contact anyone within the County in an attempt to influence a decision about any action related to BTS, including any future advertising contracts. *See* County Ethics Code § 2-11.1(m)(1); INQ 21-21; INQ 17-111.

### Opinion

Based on the facts presented here and discussed above, Mr. Benz Joseph would not have a conflict of interest created by owning and operating BTS in general, or specifically in purchasing advertising space at County parking facilities by contracting with City Media. However, Mr. Benz Joseph must adhere to the limitations discussed above regarding BTS and advertising in County parking facilities.

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.

Other conflicts may apply based on directives from ISD or under state law. Questions regarding possible conflicts based on ISD directives should be directed to ISD or the Mayor's Office. For an opinion regarding Florida ethics law, please contact the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317, phone number (850) 488-7864, <http://www.ethics.state.fl.us/>.

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 Commission on Ethics 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.