



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Rodrick Billue
Firefighter
Miami Dade Fire Rescue

Danny Cardeso
Chief Fire Officer
Miami Dade Fire Recue

FROM: Etta Akoni, Staff Attorney
Commission on Ethics

SUBJECT: INQ 2022 –22 Outside/Conflicting Employment §2-11.1(k)(2) and (j);
Transacting business with the County § 2-11.1(c)County Ethics Code

DATE: February 18, 2022

CC: All COE Legal Staff

Thank you for contacting the Miami Dade Commission on Ethics and Public Trust and requesting our guidance regarding the limitations of transacting business with Miami Dade County through your privately owned business, Grill On Wheelz BBQ & Catering LLC., and possible conflicts of interest in your proposed outside employment.

Facts:

You are employed as a firefighter with Miami-Dade Fire Rescue (“MDFR”). You respond and assist in all fire, medical, and natural disaster-related emergencies. You are also licensed as a State of Florida Emergency Medical Technician. You would like to continue your outside employment as the owner of Grill On Wheelz BBQ & Catering LLC., and you would like to contract with the County through Grill On Wheelz BBQ & Catering LLC.

Grill On Wheelz BBQ & Catering LLC. is a food truck and catering service that specializes in bbq ribs and chicken with your “Hailey boy” sauce, and tacos on Tuesdays throughout South Florida. As founder, owner, and operator of Grill On Wheelz BBQ & Catering LLC. your duties include completion of cooking food, customer service, supply management, solicitation and marketing, and bookkeeping. You also indicate that your work does not

require the use of any equipment or resources which you use in your County employment, nor would you work with the same clients. Lastly, your work with Grill On Wheelz BBQ & Catering LLC. will be conducted outside your County hours. Grill On Wheelz BBQ & Catering LLC. is seeking to become a County vendor. However, you advised that you are not seeking to contract with Miami-Dade Fire Rescue.

Issue:

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”) would prevent your privately-owned company, Grill On Wheelz BBQ & Catering LLC., from contracting with the County.

Analysis and Opinion:

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

A. Outside Employment

Miami-Dade County employees are required to obtain approval from their department directors prior to engaging in outside employment. *See* County’s Administrative Order 7-1. Work conducted for Grill On Wheelz BBQ & Catering LLC., your privately-owned business, constitutes outside employment.

Section 2-11.1(j) of the Miami-Dade County Ethics Code prohibits County employees from engaging in outside employment which would impair the County employee’s independence of judgment in the performance of his/her official duties thereby creating a conflict between the employee’s public duties and private interests. Under 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.” A.O 7-1

Directors may request an opinion from the Miami-Dade County Ethics Commission regarding conflicts of interest in outside employment. *See* INQ 19-101; INQ 13-28.

After reviewing the facts presented here, we find that your outside employment which consists of running your privately owned food truck and catering company, Grill On Wheelz BBQ & Catering LLC., is not likely to cause conflicts of interest between your private interest and your public duties as a firefighter for MDRF. This is because there is no overlap between your public duties as a firefighter and your outside employment. Additionally, you will not be assisting the same clients, you will not use the same resources, and the work would be performed outside of your County hours. *See* INQ 11-162.

Nevertheless, you must continue to abide by certain limitations and cautions outlined below to avoid a conflict:

- You may not use County time or resources in your outside employment. *See* Section 2-11.1 (g), Miami-Dade County Ethics Code; INQ 19-123; INQ 20-43.

- You shall not engage in activities that relate in any way to your outside employment during regular business hours, including phone calls, or any other communication and/or use of County resources (including but not limited to phones, copiers, computers, fax machines, County vehicles, in connection with your outside employment, even after work). *See* Sections 2-11.1 (j) and (g), Miami-Dade County Ethics Code; AO 5-5, AO 7-1; INQ 05-29, and INQ 15-240.
- You are prohibited from disclosing and/or using any confidential and/or proprietary information acquired as a result of your County employment to derive a personal benefit, for the benefit of Grill On Wheelz BBQ & Catering LLC. or for the benefit of Grill On Wheelz BBQ & Catering LLC. clients. *See* Section 2- 11.1(h), Miami-Dade County Ethics Code.
- You shall obtain permission to engage in outside employment on an annual basis by filing a Request for Outside Employment with your department director and shall file an Outside Employment Statement with the County’s Elections Department by noon on July 1st of each year. *See* Section 2-11.1(k)(2), Miami-Dade County Ethics Code.

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 MDFR. *See* Sections 2-11.1(c)(2) and (d), Miami-Dade County Ethics Code.

This means that you may not participate in determining the contract/workshop requirements or in awarding the contract. Additionally, none of your County job responsibilities and job descriptions may require you to be involved in the contract/workshops 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. *See* Sections 2- 11.1(c) and (n), Miami-Dade County Ethics Code. Consequently, Grill On Wheelz BBQ & Catering LLC. **may not** enter contracts with Miami-Dade Fire Rescue. *See* RQO 07-18.

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 any contract Grill On Wheelz BBQ & Catering LLC. is seeking. *See* Section 2-11.1(m)(1), Miami-Dade County Ethics Code. INQ 19-36, INQ 19-32

D. Exploitation of Official Position

Finally, the Miami-Dade 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 County contract to which Grill On Wheelz BBQ & Catering LLC. is applying. *See* Section 2-11.1(g), Miami-Dade County Ethics Code.

***In the process of becoming a County vendor, you may submit
this memorandum to the Procurement 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, P.O. Drawer 15709, Tallahassee, FL 32317, phone number (850) 488-7864, <http://www.ethics.state.fl.us/>.

We appreciate your consulting with the Commission in order to avoid possible prohibited conflicts of interest. If the facts associated with your inquiry change, please contact us for additional guidance.

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.