



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Sauveur Benz Joseph  
Parking Attendant Assistant Supervisor  
Internal Service Department

Phara Raymond  
Parking Operations Supervisor  
Internal Services Department

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

**SUBJECT:** INQ 2022-31 Conflicting /Outside employment, Sections 2-11.1(k)(2) and (j),  
County Ethics Code

**DATE:** March 8, 2022

**CC:** All COE Legal Staff

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Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding possible conflicts of interest in your proposed outside employment.

Facts: You are employed as a Parking Attendant Assistant Supervisor for the Internal Services Department (ISD). You would like to engage in outside employment as a Parking Enforcement Officer for the City of Miami Beach.

As a Parking Attendant Assistant Supervisor, your duties include weekly scheduling, handling customer complaints, maintaining vacation calendars, assisting with customer services such as taking payments over the phone and handling calls, maintaining access cards, conducting garage inspections, handling attendant needs for parking operations, and assisting with general office administration.

You would like to engage in outside employment as a Parking Enforcement Officer for the City of Miami Beach (City). Your duties and responsibilities include handling complaint calls, issuing citations, drafting shift reports, and assisting with traffic.

You advise that your work with the City would occur outside of your County hours. Your work would 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, you advise that in your County duties you have no oversight, authority, involvement, enforcement, or management over the City, its staff, or its traffic citations and/or traffic enforcement operations.

Issue: Whether any prohibited conflicts of interest may exist between your County employment and your outside employment as a City of Miami Beach Parking Enforcement Officer.

Analysis and Opinion:

Sections 2-11.1(j) and (k) of the Miami-Dade County Ethics Code prohibit 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. The County's Administrative Order 7-1 reiterates the general principle that County employees must conduct the public's business without even an appearance of conflicting loyalties: "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."

Miami-Dade County employees are required to obtain approval from their department directors/supervisors prior to engaging in outside employment. See County's Administrative Order 7-1. Directors/Supervisors 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.

The County's Administrative Order No. 7-1 gives a County department director/supervisor the discretion to deny outside employment if he or she finds that it is contrary, detrimental or adverse to the interest of the County and/or the employee's department. See RQO 16-02; RQO 00-10; INQ 12-49; INQ 13-28; INQ14-104; INQ 15-22; INQ 16-121.

In consideration of your inquiry we must look to several factors, the first of which is whether there are similarities in your duties as a Parking Attendant Assistant Supervisor for ISD and your position as a Parking Enforcement Officer for the City. While it does appear that your County and City duties may have some overlap, in that both would require you to be involved in parking operations, your duties with the City involve more of the enforcement side of its parking operations. Additionally, as you indicated, your duties with City parking enforcement would give you no authority over the County nor do your County duties give you any oversight or authority over the City, its staff, or its traffic enforcement operations.

The Ethics Commission has previously opined that a similarity between an employee's County duties and his or her outside employment duties does not indicate, *by itself*, the existence of a conflict of interest. See INQ 18-54 and INQ 20-116 (citing RQO 00-10; RQO 04-168; RQO 12-07 which noted that outside employment with similar duties and functions can avoid conflict when abiding by certain limitations) (emphasis added). Therefore, the similarities in your duties with the two positions does not preclude you from engaging in outside employment provided any necessary limitations are imposed.

Nevertheless, other factors are indicative of potential conflicts between an employee's public duties and his or her outside employer duties. Some of these factors include whether the County

employee will come in contact with the same or similar people or entities in both his outside employment and County position (e.g., similar personnel, clients, suppliers, or subcontractors); whether the employee performs his duties outside his County hours; whether the employee uses the same or similar resources in both positions; whether the employee in his outside employment would be required to interact with County employees; and whether your County duties give you or your department oversight or authority over your outside employer.

Based on the information provided, it appears to be unlikely that your outside employment would impair your independence of judgment in the performance of your County duties as a Parking Attendant Assistant Supervisor for ISD. This is due to the fact that you will not assist the same clients in both positions; you will not use the same resources in both positions; your work for the City would be performed outside of your County hours; you will not interact with County employees in your outside position; and you do not have any involvement, oversight, supervision, or authority over the City, its staff, or its traffic enforcement operations in your County position.

Nevertheless, the Ethics Commission strongly recommends that the following limitations be imposed on your permission to engage in the aforementioned outside employment in order 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; INQ 19-123; INQ 20-43.
- 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 the City or City clients. *See* Section 2-11.1(h), Miami-Dade County Ethics Code.
- You may not exploit your County position to secure special privileges or exemptions for yourself, the City, or City clients. *See* Section 2-11.1(g), 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.

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.

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 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.