



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Blondeva Collins-Harris
Supervisory Control And Data Acquisition Infrastructure Specialist
Miami-Dade County Water and Sewer Department

Leonardo Burgos
Division Chief
Miami-Dade County Water and Sewer Department

FROM: Etta Akoni, Staff Attorney
Miami-Dade County Commission on Ethics and Public Trust

SUBJECT: INQ 2023-113 Outside Employment §2-11.1(k)(2) and (j)

DATE: August 29, 2023

CC: All COE Legal Staff

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

Facts:

Blondeva Collins-Harris is employed as a Supervisory Control and Data Acquisition ("SCADA") Infrastructure Specialist with Miami-Dade County Water and Sewer Department ("WASD"). In this role, Ms. Collins-Harris does professional analytical and technical work with administrative responsibilities in the development, implementation, and management of local area networks in the County. Ms. Collins-Harris is responsible for activities pertaining to the planning, installation, and administration of local area networks. Ms. Collins-Harris also supervises subordinate technical employees engaged in installation and configuration of local area networks and components, troubleshooting activities, and end-user support.

Ms. Collins-Harris also owns a photography business called Bee's Digital Productions, LLC. Ms. Collins-Harris will take pictures and create slideshows for Bee's Digital Productions, LLC. customers. Ms. Collins-Harris plans to operate this business outside her County working hours, as such Ms. Collins-Harris plans to conduct activities for Bee's Digital Productions, LLC. after 3 PM on weekdays and as needed on weekends. Ms.

Collins-Harris further advises that her work would not require the use of any equipment or resources which she uses in her County employment, nor would she come into contact with the same people or similar entities as she does in her County employment. Ms. Collins-Harris confirmed that Bee's Digital Productions, LLC. is not a county vendor and has no County contracts.

Issue:

Whether any prohibited conflict of interest may exist, pursuant to the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance ("County Ethics Code"), between Blondeva Collins-Harris' County employment with WASD and her outside employment as the Owner of Bee's Digital Productions, LLC.

Analysis:

The Miami-Dade County Conflict of Interest and Code of Ethics ("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); *see also* section 2-11.1(k). 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 the outside employment is closely related to the employee's public duties and/or where the County employee deals with the same people or entities in both his/her outside employment and in his/her public position, e.g., similar clients, suppliers, or subcontractors. *See* RQO 15-03 (IT Senior Analyst should not be permitted to engage in outside employment as an IT consultant for a private client because the outside employment was closely related to the work he performed for the County, and divided loyalties were likely to develop between his County employment and his private employment). In general, if an employee's outside employment is totally unrelated to his/her County employment, conflicts would generally not arise.¹

County employees are required to obtain approval from their department director prior to engaging in outside employment. *See* AO 7-1. Departmental directors and their subordinate supervisors may request an opinion from the Miami-Dade Commission on Ethics and Public Trust regarding any potential conflict of interest concerning the proposed outside employment. *See* INQ 21-111; INQ 19-101. 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* RQO 16-02; RQO 00-10; INQ 13-28.

¹ Additionally, State law prohibits an employee of an agency from having or holding any employment or contractual relationship that will create continuing or frequently recurring conflicts between his private interests and the performance of his public duties. §112.313(7)(a), Fla. Stat. (2017).

Opinion:

Based on the information provided during this review, it appears to be unlikely that the type of outside employment that Ms. Collins-Harris is seeking to engage in would impair her independence of judgment in the performance of her County duties as a SCADA Infrastructure Specialist. Thus, Blondeva Collins-Harris would not have a conflict of interest in her proposed outside employment as the owner of Bee's Digital Productions, LLC.

This is because there is no overlap between her public duties and her outside employment; her outside employment will be performed outside of her County hours; she will not come into contact with the same persons or entities involved in her County work; she will not use the same resources in her outside employment as is used in her County work; and, she does not have access to non-public information as part of her County employment that is, or could be, relevant to her outside employment. *See* RQO 17-01; RQO 16-02.

However, the Commission on Ethics strongly recommends that the following limitations be imposed on Blondeva Collins-Harris' permission to engage in her proposed outside employment:

- Blondeva Collins-Harris may not lobby the County. In this case, it means that Blondeva Collins-Harris may not contact anyone within the County in an attempt to influence a decision about any contract/agreement that her business, Bee's Digital Productions, LLC. is seeking. *See* Section 2-11.1(m)(1), Miami-Dade County Ethics Code. INQ 19-36, INQ 19-32.
- Blondeva Collins-Harris may not exploit her County position to secure special privileges or exemptions for herself and/or Bee's Digital Productions, LLC. *See* Section 2-11.1 (g), Miami-Dade County Ethics Code; INQ 19-123; INQ 20-43. Specifically, the County Ethics Code does not prohibit employees from using annual leave time or legal holidays approved by the County to engage in approved outside employment, however, an employee may not use sick leave to engage in outside employment. *See* INQ 18-222; INQ 09-194.
- Blondeva Collins-Harris shall not engage in activities that relate in any way to her outside employment during her regular work 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 her outside employment, even after work). *See* Sections 2-11.1 (g), Miami-Dade County Ethics Code; AO 5-5, AO 7-1; INQ 05-29, and INQ 15-240.
- Blondeva Collins-Harris is prohibited from disclosing and/or using any confidential and/or proprietary information acquired as a result of her County employment to derive a personal benefit or a benefit for Bee's Digital Productions, LLC. *See* Section 2- 11.1(h), Miami-Dade County Ethics Code.

- Blondeva Collins-Harris shall obtain permission to engage in outside employment on an annual basis by filing a Request for Outside Employment with her supervisor and department director through the designated County human resources system. County employees are also required to file an annual Outside Employment Financial Statement, disclosing income earned, or the lack thereof, from their outside employment, on a yearly basis with the County's Elections Department by 12 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, Blondeva Collins-Harris, 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.