



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Kanika Morley  
Corrections Officer  
Miami-Dade County Corrections and Rehabilitation Department

**FROM:** Etta Akoni, Staff Attorney  
Miami Dade County Commission on Ethics & Public Trust

**SUBJECT:** INQ 2023-36, Section 2-11.1(c), Limitations on Contracting with the County, and Section 2-11.1(j), Conflicting Employment Prohibited.

**DATE:** March 28, 2023

**CC:** All COE Legal Staff; District 2 Office of Miami-Dade County Commissioner Keon Hardemon; Victoria Goss, Training Coordinator, Neighbors and Neighbors Association.

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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 concerning your application for a Mom and Pop Small Business Grant funded by Miami-Dade County.

#### Facts

You, Ms. Kanika Morley, are employed by the Miami-Dade County Corrections and Rehabilitation Department (“Corrections”) as a Corrections Officer. Your job responsibilities as a Corrections Officer are primarily monitoring inmates and maintaining the security of your assigned confinement facility. Your Correction’s position responsibilities do not include any oversight or administration of the Mom and Pop Small Business Grant program.

You also own and operate a Florida Limited Liability Company named Powerful Learning Academy, LLC., a child-care facility which is located at 5530 NW 17<sup>th</sup> Avenue, Miami, Fl 33142 within the boundaries of District 3 of the Miami-Dade County. You are responsible for managing and organizing the company’s finances and documentation, as well as generally overseeing operations at Powerful Learning Academy, LLC. You would like to apply for a Mom-and-Pop Small Business Grant for Powerful Learning Academy, LLC. through Miami-Dade County Commissioner Keon Hardemon’s District 3 Office.

The Mom and Pop Small Business Grant program is funded by Miami-Dade County. The Neighbors and Neighbors Association, a Florida not-for-profit organization, administers and makes recommendations regarding the Mom and Pop Grant applications; funds are distributed to qualifying businesses by the thirteen County Commission district offices.

### Issue

Whether there is a prohibited conflict of interest that would prevent Powerful Learning Academy, LLC., your privately owned business, from accepting a Mom and Pop Small Business Grant.

### Analysis

This inquiry involves several sections of the Miami-Dade County Code of Ethics and Conflict of Interest Ordinance (“County Ethics Code”), each of which is analyzed in turn below:

#### A. Outside Employment

Work conducted for Powerful Learning Academy, LLC. by you constitutes outside employment, as defined by the County Ethics Code. *See* RQO 17-03 (citing RQO 16-01 and INQ 09-109). 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.”

The Miami-Dade County Ethics Code prohibits County employees from engaging in outside employment that is likely to create conflicts of interest between the employee’s County responsibilities and their outside job duties. After reviewing the facts presented here, we find that your outside employment of operating Powerful Learning Academy, LLC. is not likely to impair your independence of judgment in the performance of your County duties as a Corrections Officer. *See* INQ 21-03 (A Systems Analyst in the County Information Technology (ITD) Department’s IT Security Division assigned as an IT Security Liaison to the Corrections and Rehabilitation Department does not have a conflict of interest regarding her employment at the County and her outside employment as the owner of a day care and aftercare transportation company for children and the elderly. She will not have any business relationships with any ITD or MDCR vendors nor will she interact with the same or similar entities in her outside employment that she interacts with in her public duties.) This is because there is no overlap between your public duties as a Corrections Officer and your outside employment. Here, 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* RQO 17-01; 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. You must obtain permission to engage in outside employment yearly from your department director.<sup>1</sup> Given that you are a full-time Miami Dade County employee, you must also file an outside employment financial disclosure form – Outside Employment Statement – on an annual basis.**

B. Mom and Pop Small Business Grant

With permission to engage in outside employment, Powerful Learning Academy, LLC. **may accept the Mom and Pop Small Business Grant**, so long as Corrections is not involved in any way in processing or administering the grant. This includes the condition that you may not participate in determining or awarding the grants. Additionally, none of your job responsibilities or job descriptions may require you to be involved in the grants in any way, including enforcement, oversight, administration, amendment, extension, termination, or forbearance. *See* County Ethics Code §§ 2-11.1(c), (n).

C. Lobbying

You may not lobby the County. In this case, it means that Ms. Morley may not contact anyone within the County in an attempt to influence a decision about Powerful Learning Academy, LLC.'s application for a Mom and Pop Small Business Grant. *See* County Ethics Code § 2-11.1(m)(1).

D. Exploitation of Official Position

The County Ethics Code prohibits County employees from exploitation of their official position. *See* County Ethics Code § 2-11.1(g). This means that you may not use your County position to secure any special privilege or exemption with respect to Powerful Learning Academy, LLC.'s application to, and ultimate participation in, the Mom and Pop Small Business Grant program, or to any other grant program to which Powerful Learning Academy, LLC. or you are applying.

Opinion

Based on the facts presented here and discussed above, Powerful Learning Academy, LLC.'s participation in the Mom-and-Pop Small Business Grant program **does not appear to give rise to any prohibited conflict of interest.**

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<sup>1</sup> At the time of this opinion, the Outside Employment records reflect that Ms. Morley has applied for, but has not received approval for, her outside employment with Powerful Learning Academy, LLC. for the 2023 calendar year.

This opinion is limited to the facts as presented to the Commission on Ethics and to an interpretation of the County Ethics Code only. 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/>.

We appreciate your consulting with the Commission in order to avoid possible prohibited conflicts of interest. If the facts associated with your inquiry change, or if there are any further questions, 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.