



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Krystal Sheppard
Assistant Rental Assistance Demonstration Manager
Miami-Dade County Public Housing and Community Development Department

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

SUBJECT: INQ 2023-40, Section 2-11.1(c), Limitations on Contracting with the County, and Section 2-11.1(j), Conflicting Employment Prohibited.

DATE: April 7, 2023

CC: All COE Legal Staff; Office of Miami-Dade County Commissioner Kionne L. McGhee, District 9; Victoria Goss, Training Coordinator, Neighbors and Neighbors Association

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding possible conflicts of interest that could occur as a result of a County employee applying for a Mom and Pop Small Business Grant funded by Miami-Dade County.

Facts

Ms. Krystal Sheppard is employed by the Miami-Dade County Public Housing and Community Development Department (“PHCD”) as an Assistant Rental Assistance Demonstration Manager. Rental Assistance Demonstration (“RAD”) is a program of the Department of Housing and Urban Development (“HUD”), managed by PHCD in Miami Dade County, that helps public housing agencies modernize and redevelop public housing sites and units to ensure long-term affordability housing through the conversion of public housing subsidy to project-based Section 8 subsidy. Her job responsibilities as an Assistant RAD Manager primarily include assisting with the execution of redevelopment projects using the RAD program, coordinating with HUD federal reviewers, compiling and submitting applications and documents to HUD, assuring compliance with RAD regulations, and overseeing consultant, managing public meetings with residents, stakeholders, and community organizations. Her PHCD RAD job responsibilities do not include any oversight or administration of the Mom and Pop Small Business Grant program.

Ms. Sheppard owns and operates a Florida Limited Liability Company named Oykoze Holdings, LLC. located at 1000 Brickell Avenue PMB 1833 STE 715, Miami, FL 33131. Oykoze Holdings, LLC. is a research based company that focuses on economic development and wealth building strategies for low to middle income households. Through the use of comprehensive research, Oykoze Holdings, LLC. works to formulate high level, traditional and non-traditional methods of wealth creation and management. The goal of Oykoze Holdings, LLC.'s work is to provide realistic solutions to the common, working class citizen. Within Oykoze Holdings, LLC., Ms. Sheppard is responsible for collecting data related to local and national economic development; creating market data reports; meeting with field professionals to discuss all aspects of wealth management, financing strategies, and economic development; and managing administrative and clerical duties for the organization. Ms. Sheppard would like to apply for a Mom and Pop Small Business Grant on behalf of Oykoze Holdings, LLC. through Miami-Dade County Commissioner Kionne L. McGhee's District 9 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 Oykoze Holdings, LLC., Ms. Sheppard's 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 Oykoze Holdings, LLC. by Ms. Sheppard 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 Oykoze Holdings, LLC. is not likely to impair your independence of judgment in the performance of your County duties as an Assistant RAD Manager. *See* INQ 19-123 (A Project Database Administrator for the

County Water and Sewer Department does not have a conflict of interest involving his employment at the County and his private financial wealth management company because his outside employment would not impair his independence of judgment in the performance of his public duties). This is because there is no overlap between your public duties as an Assistant RAD Manager 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. Ms. Sheppard must obtain permission to engage in outside employment yearly from his department director.¹ Given that he is a full-time employee, he 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 with Oykoze Holdings, LLC., then Oykoze Holdings, LLC. **may accept the Mom and Pop Small Business Grant**, so long as PHCD is not involved in any way in processing or administering the grant. This includes the condition that Ms. Sheppard may not participate in determining or awarding the grants. Additionally, none of her job responsibilities or job descriptions may require her 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

Ms. Sheppard may not lobby the County. In this case, it means that Ms. Sheppard may not contact anyone within the County in an attempt to influence a decision about Oykoze Holdings, 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 Ms. Sheppard may not use her County position to secure any special privilege or exemption with respect to Oykoze

¹ A records check reflects that Ms. Sheppard has not filed a request for and has not received approval for her outside employment with Oykoze Holdings, LLC. for the 2023 calendar year.

Holdings, LLC.'s application to, and ultimate participation in, the Mom and Pop Small Business Grant program, or to any other grant program to which Oykoze Holdings, LLC. or Ms. Sheppard is applying.

Opinion

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

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.