



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Rodolfo Turino
Facility Operations Manager
Miami-Dade County Parks, Recreation, and Open Spaces

Diana Vega
Operations Manager, Guest Services
Miami-Dade County Parks, Recreation, and Open Spaces

Staci Otero
Zoo Personnel Manager
Miami-Dade County Parks, Recreation, and Open Spaces

FROM: Loressa Felix, General Counsel
Commission on Ethics and Public Trust

SUBJECT: INQ 2023-66 Conflicting/Outside employment, Sections 2-11.1(k)(2) and (j),
County Ethics Code

DATE: June 5, 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 your proposed outside employment.

Facts: You are employed as a Facility Operations Manager for the Miami-Dade County Department of Parks, Recreation, and Open Spaces (“PROS”) in the Zoo Miami Division. You would like to engage in outside employment as a laborer for the Zoo Miami Foundation.

As a Facility Operations Manager, you serve as the zoo’s safety officer overseeing zoo security, walkway maintenance, and custodial maintenance. In your role, you regularly inspect the park for safety and cleanliness issues and direct staff as to how to resolve them.

Zoo Miami Foundation (ZMF), formerly Zoological Society of Florida, is the private non-profit support organization for Zoo Miami Founded in 1956. While Miami-Dade County operates and maintains the Zoo, ZMF, backed by loyal Zoo Supporters, allows Zoo Miami to continue mission-driven initiatives and zoo enhancements to encourage an appreciation for the world’s wildlife to

conserve it for future generations. ZMF operates robust Learning Experience programs, supports vital conservation initiatives, and supplements key capital projects that bolster animal welfare and guest experiences at Zoo Miami. ZMF has separate staff but there is occasional interaction with Zoo Miami employees since both ZMF and PROS Zoo Miami Division are located at Zoo Miami.

As a laborer for ZMF, you would be assisting ZMF's event manager with event logistics including setting up and breaking down night events. These events would run approximately 2 to 3 times a year. You would help with building tents, placing tables and chairs, taking supplies like ice or cups to areas, and at the end of the event placing everything back as it was so that the zoo can open to guests the next day. Additionally, you may be asked to call and coordinate with vendors regarding event logistics. Your supervisors have indicated that since ZMK events will be held at the zoo, there may be some overlap in your interaction with employees that you supervise in your County position, specifically with security and/or custodial staff that may be present during a ZMF event. You further advise that you would conduct your work with ZMF outside your County hours, and your work would not require the use of any equipment or resources which you use in your County employment.

Issue: Whether any prohibited conflicts of interest may exist between your County employment and your outside employment as a laborer for ZMF.

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.

The Commission on Ethics has previously held that conflicting employment would likely occur where the County employee is employed by a County vendor that services the facilities where the employee performs his or her County duties. *See* RQO 16-02; INQ 17-162; and INQ 19-31. The Commission on Ethics has also prohibited a Vizcaya Museum Security Chief from accepting part-time employment with a County vendor to provide security services at Vizcaya. *See* INQ 12-201. Further, the Commission on Ethics cautioned a municipal Parks Director from accepting

appointment to a non-profit entity tasked with raising funds to support a park overseen by him in his public role due to the distinct possibility that the Park Director's efforts on behalf of the non-profit could interfere with his independence of judgment in his public duties. *See* INQ 15-98. Similarly, in this instance, your outside employment would be with ZMF, a non-profit which directly supports Zoo Miami, the division of PROS and location over which you have authority in your current County role.

Other factors may be indicative of potential conflicts between an employee's County 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 or her outside employment and in his or her County position (e.g., similar personnel, clients, suppliers, or subcontractors) and whether the employee would perform similar duties in his or her County employment and his or her outside employment.

Here, your duties between the two positions could potentially have overlap. Because your position for ZMF would require you to conduct your private duties in the same location as your public duties, this creates the possibility that you may have to interact with County employees which you supervise as a Facility Operations Manager. These potential interactions could cause inherent conflicts resulting from your private duties, which could interfere with your independence of judgment in your public position. *See* INQ 15-98.

Based on the facts presented here and after consultation with your supervisors, we find a conflict exists between your County employment and your potential outside employment with ZMF because your private duties would include potentially routine direct interaction with employees within your supervision as a Facility Operations Manager.

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.