



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Shaun Rodriguez  
Customer Service Supervisor 1  
Water and Sewer Department

Gwendolyn Thomas-Clayton  
Customer Service Representative 2  
Water and Sewer Department

**FROM:** Martha D. Perez, Temporary Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust

**SUBJECT:** INQ 2024-109; Outside Employment §2-11.1(j)

**DATE:** June 17, 2024

**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 Ms. Thomas-Clayton's requested outside employment with GB Cleaning and Multiservices, Inc. (GB Cleaning).

**Facts:**

Ms. Thomas-Clayton is a Customer Service Representative 2 at the County's Water and Sewer Department (WASD). Her job responsibilities consist of performing general customer service functions, i.e., receiving customers; taking calls; and assisting supervisors with problem accounts.

Ms. Thomas-Clayton co-owns and operates a Florida Limited Liability Company named GB Cleaning and Multiservices, Inc.- a residential and janitorial cleaning service, located at 3188 NW 67 St., Miami, FL. She is the Vice-President of the company managing residential and janitorial cleaning services (and providing such services herself, as needed), and general bookkeeping tasks. GB Cleaning is not, nor does it plan to become a county vendor.

Ms. Thomas-Clayton advises that her outside employment would only occur on weekends or after 5PM, outside of the times/hours that she is expected to perform her county duties. She further advises that, as part of her proposed outside employment, she will not be required to encounter the same or similar people or entities as in her county position; no County resources will be used for her proposed outside employment; and, as part of her county position, she does not have access to non-public information that is, or could be, relevant to her outside employment.

**Issue:**

Whether a prohibited conflict of interest may exist between Ms. Thomas-Clayton's County employment as a Customer Service Representative for WASD and her proposed outside employment at GB Cleaning.

**Analysis:**

Miami-Dade County employees are required to obtain approval from their department directors prior to engaging in outside employment. *See* County's Administrative Order 7-1. Directors 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 the ultimate 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 12-07; RQO 00-10; INQ 12-49; INQ 13-28; INQ14-104; INQ 15-22; INQ 16-121.

The Conflict of Interest and Code of Ethics ordinance (County Ethics Code), addresses outside employment in § 2-11.1 (j) - Outside Employment- Conflicting employment prohibited: No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties.”

This section of the County Ethics Code prohibits 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 in order to prevent the creation of 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.*” (Emphasis Added)

Based on the information provided to us at this time, it appears to be unlikely that the type of outside employment that Ms. Thomas-Clayton is seeking to engage in would impair her independence of judgment in the performance of her County duties as a Customer Service Representative for WASD. 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 used in her County work; and, she will not have access to non-public information as part of her county employment that is, or could be, relevant to her outside employment. *See* INQ 22-63 (a Pretrial Services Officer 2 with Miami-Dade Department of Corrections and Rehabilitation does not have a conflict of interest regarding her employment as the owner of Clean-Living Janitorial Team, LLC. because her outside employment would not impair her independence of judgment in the performance of her County duties as there is no overlap between her public duties and outside employment; she will not assist the same clients; she will not use the same resources; her outside employment does not require her to interact with other County employees; and the work would be performed outside your County hours); *see also* INQ 23-101 (a Bus Operator for the Miami-Dade County Department of Transportation and Public Works (“DTPW”) may engage in outside employment as the co-owner/operator of a janitorial services company because his outside employment would not impair his independence of judgment in the performance of his County duties).

**Opinion:**

Based on the facts presented here and discussed above, Ms. Thomas-Clayton would not have a conflict of interest in her proposed outside employment as a self-employed provider of residential and janitorial services and company bookkeeping tasks.

However, based on past ethics opinions, the Miami-Dade Commission on Ethics and Public Trust strongly recommends that the following limitations be imposed on Ms. Thomas-Clayton’s permission to engage in her proposed outside employment with GB Cleaning:

- She may not conduct business with WASD or approve or disapprove any agreements between WASD and GB Cleaning. *See* § 2-11.1(c), Miami-Dade County Ethics Code
- She may not use County time or resources for her outside employment. *See* § 2-11.1 (g), Miami-Dade County Ethics Code; INQ 19-123; INQ 20-43.
- She may not engage in activities that relate in any way to her outside employment during her scheduled work hours (including phone calls, text messages, e-mails, or other communications) and may not use County resources (including, but not limited to, phones, copiers, computers, fax machines, and County vehicles) in connection with this outside employment, even after work. *See* County Ethics Code § 2-11.1(g); AO 5-5, AO 7-1, INQ 05-29, and INQ 15-240.
- She may not disclose and/or use any confidential and/or proprietary information acquired as a result of her county employment to derive a personal benefit, or for the benefit of GB Cleaning. *See* § 2-11.1(h), Miami-Dade County Ethics Code.
- She may not use her official position to secure special benefits or privileges for GB Cleaning. *See* § 2-11.1(g), Miami-Dade County Ethics Code.

- She may not represent GB Cleaning or lobby the County on behalf of GB Cleaning or contact anyone employed by Miami- Dade County or on a County board in an attempt to influence a decision about any contract or other services related to GB Cleaning. *See* § 2-11.1(m)(1), Miami-Dade County Ethics Code; RQO 04-173, INQ 19-32.
  
- She must obtain permission to engage in outside employment on an *annual* basis by filing a Request for Outside Employment with her department director, and she must file an Outside Employment Statement with the County’s Elections Department by noon on July 1st of each year. Said statement should include the source of the outside employment, the nature of the work being done pursuant to the same and any amount or types of money or other consideration received by the employee from said outside employment. *See* § 2-11.1(k)(2), Miami-Dade County Ethics Code. *Please note that this memorandum does not grant you permission to engage in outside employment. You must obtain permission to engage in outside employment yearly from your department Director.*

We appreciate your consulting with the Commission in order to avoid possible prohibited conflicts of interest. This opinion is based on the facts presented. If these facts change, or if there are any further questions, please contact the above-named Temporary Staff Attorney. Other conflicts may apply based on directives from WASH or under state law. Questions regarding possible conflicts based on WASH directives should be directed to WASH or the Mayor’s Office. 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/>.

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.