



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Angela White-Royal, Library Tutor  
Miami-Dade Public Library System

**FROM:** Nolen Andrew Bunker, Staff Attorney  
Commission on Ethics

**SUBJECT:** INQ 2024-111; Section 2-11.1(c), Prohibition on transacting business within the County; and Section 2-11.1(j), Conflicting employment prohibited.

**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 possible conflicts of interest concerning your application for a grant funded by Miami-Dade County.

#### Facts

You, Ms. Angela White-Royal, are employed part-time by the Miami-Dade Public Library System (“MDPLS”) as a Library Tutor. Your job duties primarily involve providing in-person tutoring on Saturdays at the County Walk Branch Library and virtual tutoring on Wednesdays and Thursdays. You further advised that you sometimes provide English-language tutoring to adults on Mondays at the Shenandoah Branch Library.

You and your spouse, Mr. Rodney Royal, co-founded and operate a Florida not-for-profit corporation named One Royal Effect Foundation Inc. (“the Foundation”). The Foundation teaches art and literacy skills to children in grades four through twelve. You advised that it is currently operating a six-week summer camp at Historic St. John African Methodist Episcopal Church in the City of South Miami. Records from the Florida Division of Corporations reflect that Mr. Royal serves as the Foundation’s President, and you serve as its Vice President. You advised that you and your spouse share administrative responsibilities, and that together you do everything for the Foundation that a business owner would do for their business. You further stated that you are responsible for filing taxes and completing grant applications on behalf of the Foundation. You advised that you spend approximately twenty hours per week doing work for the Foundation. However, you stated that you do not receive a salary or any other form of remuneration for your

work for the Foundation. You advised that, on behalf of the Foundation, you would like to apply to participate in the Business Resource and Education Grant Program.

The Business Resource and Education Grant Program is funded by Miami-Dade County and administered by the Miami-Dade Economic Advocacy Trust (“MDEAT”). The Grant Program gives start-up entrepreneurs a \$2,500.00 capital infusion and access to technical assistance and resources to support their business venture. *See Miami-Dade Economic Advocacy Trust launches grant program for start-up businesses,* PRESS RELEASE, [https://www.miamidade.gov/global/release.page?Mduid\\_release=rel1689809561203752](https://www.miamidade.gov/global/release.page?Mduid_release=rel1689809561203752) (last visited June 11, 2024). Per the grant application, eligible businesses must be physically located in Miami-Dade County and be only six months to two years old.

Finally, you advised that your County duties do not involve administration or enforcement of the MDEAT Business Resource and Education Grant Program.

### Issue

Whether there is a prohibited conflict of interest that would prevent ILash, your privately owned business, from participating in the MDEAT Business Resource and Education Grant Program.

### 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

Outside employment is considered “any non-County employment or business relationship in which the County employee provides a personal service to the non-County employer that is compensated or customarily compensated.” RQO 17-03. Generally, uncompensated work for a traditional nonprofit entity is not considered outside employment. *Id.* However, a County employee who has “significant managerial responsibilities or working time commitments” with a nonprofit entity could be considered to be engaging in outside employment. *Id.*

In practice, an Administrative Officer 3 with the Miami-Dade Department of Solid Waste Management was engaged in outside employment because she founded and served as President of a non-profit that raised awareness and otherwise sought to combat domestic violence. *See* INQ 23-47. In contrast, a Firefighter with the Miami-Dade Fire Rescue Department who served as Vice President of his spouse’s non-profit, but who had no responsibility for the day-to-day activities of the non-profit and occasionally provided some volunteer work for the non-profit was not engaged in outside employment. *See* INQ 24-73.

Here, considering your work for the Foundation: (a) you founded the Foundation; (b) you serve as the Foundation’s Vice President; (c) you, along with your spouse, are responsible

for the Foundation’s day-to-day functioning and activities; (d) you do not collect a salary or other remuneration for your Foundation work, and (e) you spend a reasonably significant amount of time doing Foundation work, stating that you spend approximately twenty hours a week and describe your work as running a business. Thus, in light of these multiple factors considered in determining whether service with a non-profit is outside employment, it appears that your work for the Foundation constitutes outside employment.<sup>1</sup> *See* INQ 23-47; *see also* RQO 17-03. However, given that you are a part-time employee, you are not required to file an annual report – Outside Employment Statement – unlike full-time County employees. *See* County Ethics Code § 2-11.1(k)(2).

B. Conflicting Employment

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.” County Ethics Code § 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.” Several factors are considered to determine whether a potential conflict of interest exists between an individual’s County position and his or her outside employment. *See* RQO 17-01; INQ 21-66. Furthermore, a similarity between an employee’s County duties and his or her outside employment duties does not indicate, by itself, the existence of a conflict of interest. *See* INQ 18-54 (citing RQO 12-07; RQO 04-168; RQO 00-10, all of which noted that outside employment with similar duties and functions can avoid conflict when abiding by certain limitations).

In practice, an employee of the Miami-Dade Internal Services Department could engage in outside employment as the founder and operator of a non-profit that provided afterschool tutoring and basketball instruction without giving rise to a prohibited conflict of interest. *See* INQ 13-08. Similarly, a Grant and Manager Coordinator in the City of Opa-Locka could engage in outside employment as a tutor hired by a non-profit organization without giving rise to a prohibited conflict of interest. *See* INQ 11-132.<sup>2</sup>

Here, based on the information provided to us at this time, your work for the Foundation appears unlikely to impair your independence of judgment in the performance of your County duties. While similar, since both involve literacy tutoring, similarity alone is insufficient to indicate a conflict. *See* INQ 18-54. However, you advised that your County

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<sup>1</sup> Additionally, you advised that you are also employed with the Miami-Dade County Public Schools (“MDCPS”) as a teacher. MDCPS records reflect that you teach at Coral Way K 8 Center. Because this work is also outside of your County work, it too constitutes outside employment. *See* INQ 14-103 (working as a substitute teacher with MDCPS constitutes outside employment).

<sup>2</sup> In INQ 11-132, it appeared significant that the non-profit employer did not receive funds from the City of Opa-Locka. However, those facts are distinguishable from this matter because you do not receive a salary from the Foundation and have no authority over the County disbursement of grant funds, unlike the City of Opa-Locka employee in INQ 11-132.

work involves different books and different resources than your work for the Foundation because you focus your Foundation work on art and books by artists. Additionally, you advised that your County work and your work for the Foundation occur at different times and involve different people. Accordingly, there does not appear to be a prohibited overlap between your public duties for the MDPLS and your work for the Foundation. *See* RQO 17-01; INQ 13-08; INQ 11-132.

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>3</sup>

C. Business Resource and Education Grant Program

Assuming you obtain permission to engage in outside employment, then you and/or the Foundation **may participate in MDEAT's Business Resource and Education Grant Program**, so long as MDPLS is not involved in any way in processing or administering the grants. 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 with the grants in any way, including enforcement, oversight, administration, amendment, extension, termination, or forbearance. *See* County Ethics Code §§ 2-11.1(c), (n).

D. Lobbying

You may not lobby the County. In this case, it means that you may not contact anyone within the County in an attempt to influence a decision about the Foundation's application for a Business Resource and Education Grant. *See* County Ethics Code § 2-11.1(m)(1).

E. 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 the Foundation's application to, and ultimate participation in, the Business Resource and Education Grant Program, or to any other grant program to which either you or the Foundation are applying. Furthermore, this means that you must not exploit your County position by using it to advertise, promote, or otherwise recruit participants for the Foundation's activities. *See* INQ 22-112 (a Parking Lot Attendant Supervisor working for

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<sup>3</sup> A records check reflects that you have not submitted a request for approval for your outside employment. County policy requires that you do so for this calendar year for your work for MDCPS and the Foundation.

the Miami-Dade Internal Services Department may not promote his private tax services company while engaged in his County work).

### Opinion

Based on the facts presented here and discussed above, you and/or the Foundation's participation in the Business Resource and Education Grant Program **does not appear to give rise to any prohibited conflict 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 Staff Attorney.

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/>.

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.