



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Carlos Moreno, Director
Board of County Commissioners

Laura Morilla, Executive Director
Board of County Commissioners, Office of Community Advocacy

Vanessa Garcia Azzam, Community Advocacy Program Officer 1
Board or County Commissioners, Office of Community Advocacy

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

SUBJECT: INQ 2024-120; Outside Employment §2-11.1(j) and (k)(2), County Ethics Code

DATE: July 1, 2024

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding Ms. Garcia Azzam's requested outside employment as a paid campaign worker.

Facts:

Ms. Garcia-Azzam is a Community Advocacy Program Officer 1 in the Office of Community Advocacy, Board of County Commissioners.¹ Her main duty is the overall support of six of the County advisory boards overseen by the Office of Community Advocacy ("OoCA").

¹ The Office of Community Advocacy (OoCA) was established to meet its unique community needs, through various events and initiatives. OoCA promotes productive community relations and cultural understanding for a better quality of life for all County residents. <https://www.miamidade.gov/global/government/commission/community-advocacy/home.page>

Ms. Garcia Azzam is considering working as a paid campaign worker for Commissioner Keon Hardemon's Re-Election campaign for Miami-Dade County Commissioner, District 3. The office is located at 3840 S.W. 26th St., West Park, FL. Her responsibilities will mainly consist of "knocking at doors."² This paid position will last approximately 3 to 4 months.

She advises that her outside employment would occur outside the hours she is expected to perform her county duties, i.e., from 6PM to 9PM. She further advises that no County resources will be used for her proposed outside employment; her campaign duties will not overlap with her County duties; there is a strong possibility that she will encounter other County employees working for the campaign as well as residents who receive services or assistance from the County; 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. Garcia Azzam's county employment as a Community Advocacy Program Officer and her proposed outside employment as paid Campaign Worker for the Re-election of Keon Hardemon.

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) – 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*

² Exact title or extent of responsibilities to be determined.

apparent conflict of interest with one's official or public duties is possible." (Emphasis Added).

Compensated political work by a county employee is considered outside employment. See RQO 09-28; INQ 22-141; PI 21-14; COE Memorandum: *Limitations on Political Activities of County and Municipal Officers and Employees, June 2022*

While the County Ethics Code does not prohibit County employees from engaging in paid or volunteer political activities outside the workplace, they must nevertheless adhere to some restrictions placed on government workers under County policy and State law. See Id.; see also Fla. Stat. § 104.31³; Section 2-11.1(g) of the Ethics Code; A.O 07-02, Miami-Dade County (11/2002)

Opinion:

Based on the information provided to us at this time, it appears to be unlikely that Ms. Garcia Azzam's outside employment as a paid campaign worker for the re-election of Miami-Dade Commissioner Keon Hardemon would impair her independence of judgment in the performance of her county duties as a Community Advocacy Program Officer. 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; any contact or encounters in her outside employment is limited to other county employees who may be performing similar campaign worker jobs and to the community at large; 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 16-21; INQ 17-49; INQ 18-232

In accordance with past ethics opinions, we reiterate the importance to adhere to the Miami-Dade Commission on Ethics and Public Trust's Memorandum: *Limitations on Political Activities of County and Municipal Officers and Employees, June 2022.*⁴

Also, it is recommended that the following limitations under the County Ethics Code be imposed on Ms. Garcia Azzam's permission to engage in her proposed outside employment as Campaign Worker for the Re-Election of Keon Hardemon:

³ Section 104.31, Florida Statutes, Political Activities of State, County, and Municipal Officers and Employees, prohibits public officers or employees from using their official authority or influence "for the purpose of interfering with an election or a nomination of office or coercing or influencing another person's vote or affecting the result thereof."

⁴ With respect to whether any other Miami-Dade County policies or restrictions may apply to your County position as a Community Advocacy Program Officer for the BCC, we refer you to the County Attorney and to the County's Human Resources Department.

- Section 2-11.1(g) of the County Code of Ethics, *Exploitation of Official Position Prohibited*, prohibits use of one's public position to secure special privileges or exemptions for oneself or others. Hence, she may not use her official position to secure special benefits or privileges for the Re-Election of Keon Hardemon.⁵ See INQ 16-21 (A County employee is not prohibited from participating in a political campaign; however, the County employee would be prohibited from using his County position or title to exert any official authority or pressure to affect the outcome of an election, and he may not use County time or resources in the campaign); INQ 17-49 (A County employee may engage in political activities outside the workplace, but he may not attempt to coerce coworkers about his political positions while on the job and he may not use County time or resources to further his political activities); INQ 18-232 (While County employees are not prohibited from engaging in political activities they must abide by certain limitations: Employees engaged in political activities must do so during their own time, not during county working hours; and they are prohibited from using their county position or the resources of the county which employs them, in any way to further a political campaign. Furthermore, they are prohibited from directly or indirectly using their county positions to intimidate or coerce others into supporting the candidacy of their outside employer or to make political contributions)

- She may not use County time or resources for her outside employment. See *Id.*; § 2-11.1 (g), Miami-Dade County Ethics Code; Miami-Dade Code § 2-11 (prohibiting County employees from using County time, materials, or equipment in outside employment and from engaging in outside employment that would be adverse or detrimental to the interests of the County).

- 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 § 2-11.1(g), Miami-Dade County Ethics Code; AO 7-1; INQ 16-21; INQ 18-232

- 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 Keon Hardemon's Re-Election Campaign. See § 2-11.1(h), Miami-Dade County Ethics Code

- Lastly, if it is Ms. Garcia-Azzam's intent to engage in future paid campaign activities or other outside employment, she must obtain permission to engage in such 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

⁵ The State Ethics Code has a similar provision titled Misuse of Public Position. Fla. Stat. §112.313(6).

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 our 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.