



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Natasha Jules
Forensic Autopsy Technician
Miami Dade County Medical Examiner's Office

FROM: Etta Akoni
Staff Attorney
Miami-Dade County Commission on Ethics and Public Trust

SUBJECT: INQ 2025-12 - Section 2-11.1 (k) Prohibition on Outside Employment, Section 2-11.1 (j) Conflicting Outside Employment Prohibited

DATE: January 31, 2025

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 that may occur as a result of your proposed role as an embalmer apprentice for Caballero Rivero Funeral Home ("Caballero Rivero").

Facts:

You, Natasha Jules, are employed by the Miami-Dade County Medical Examiner's Office ("ME") as a Forensic Autopsy Technician. In that position, your primary responsibilities include collection of toxicology evidence for the medical examiners, eviscerating the bodies, weighing the organs from the bodies, and closing the bodies upon completion of the autopsy. You have a license from the State of Florida to be an embalmer's apprentice. However, you indicate that your license is not required for your work for the ME and the ME does not pay for that license.

Caballero Rivero is a privately-owned for-profit organization that operates multiple funeral homes in the South Florida area. Caballero Rivero operates a funeral home in Little Havana area of Miami at 3344 SW 8th Street, Miami, FL 33135. You would like to work for Caballero Rivero Funeral Home's Little Havana location as an embalmer's apprentice. As an embalmer's apprentice, you would embalm, dress, and place decedents in caskets in preparation for funeral services. You indicate that your working hours at Caballero Rivero would not occur during your assigned hours

at the ME¹; your work for Caballero Rivero would not require contact with the same or similar people as your ME position requires; you would not use the same resources at Caballero Rivero as you do at the ME; and your work at Caballero Rivero would not require contact with County employees, departments, or County boards, even for routine matters.

You also indicate you do not have access through your County position to non-public information that is or could be relevant to Caballero Rivero, and your work for the ME does not include recruiting vendors, contractors, bidders, or members of the public who could use Caballero Rivero services. This writer confirmed with Miami-Dade County Strategic Procurement Department that Caballero Rivero Funeral Homes is not a Miami-Dade County Vendor and does not have any existing contracts, agreement or business engagement with the County. Lastly, you indicate that Caballero Rivero will not seek any contracts, agreement or business engagement with Miami-Dade County and does not rent space from the ME.

Issue:

Whether any prohibited conflict of interest may exist, pursuant to the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”), between Natasha Jules’ County employment with Miami-Dade County Medical Examiner’s Office and her outside employment with Caballero Rivero Little Havana Funeral Home.

Analysis or Discussion:

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. 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); *see also* section 2-11.1(k). 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.”²

County employees are required to obtain approval from their department director prior to engaging in outside employment. *See* AO 7-1. Departmental directors and their subordinate supervisors may request an opinion from the Miami-Dade Commission on Ethics and Public Trust regarding any potential conflict of interest concerning the proposed outside employment. *See* INQ 21-111; INQ 19-101. 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

¹ Latishia Garner, Natasha Jules’ supervisor, placed a note in INFORMS stating that Ms. Jules schedule work for Caballero Rivero would not conflict with her work for the ME. In September 2024, Ms. Jules’ schedule at Caballero Rivero was 7am – 4pm Monday to Friday until training was completed. Additionally, the note indicated that once training is complete Ms. Jules’ schedule will include weekends and holidays, and Caballero Rivero will release Ms. Jules if the ME needs her.

² Additionally, State law prohibits an employee of an agency from having or holding any employment or contractual relationship that will create continuing or frequently recurring conflicts between his private interests and the performance of his public duties. §112.313(7)(a), Fla. Stat. (2017).

employment would be contrary, detrimental, or adverse to the interests of the County or the employee's department. *See* RQO 16-02; RQO 00-10; INQ 13-28. Additionally, the County Ethics Code provides that, "[a]ll full-time County and municipal employees engaged in any outside employment . . . shall file, under oath, an annual report indicating the source of the outside employment ..." County Ethics Code § 2-11.1(k)(2).

The 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. Section 2-11.1(j); *see also* section 2-11.1(k). Conflicting employment can occur when the outside employment is closely related to the employee's public duties and/or where the County employee deals with the same people or entities in both his/her outside employment and in his/her public position, e.g., similar clients, suppliers, or subcontractors. *See* RQO 15-03. 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, including: the nexus between the public duties and the outside employment; whether the employee has decision-making authority over the same subject matter that the outside employment concerns; whether the employee solicits business or customers in the same area over which he or she has jurisdiction; whether the employee will come into contact with the same or similar people or entities in both his or her public position and outside employment; and whether the public entity with which the employee serves funds or has a contract with his or her outside employer. *See* RQO 17-01; INQ 21-66.

Outside employment is more likely to conflict with County employment "when the two pursuits overlap or are closely related." INQ 16-89 (citing RQO 12-11, INQ 12-159). However, "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." INQ 22-07; *see also* INQ 18-54 (citing RQO 12-07; RQO 04-168; RQO 00-10) (concluding that outside employment with similar duties and functions can avoid conflict when abiding by certain limitations). In informal opinions 2023-81, 2023-82, 2023-83, and 2023-102 Commission on Ethics staff reviewed several Miami-Dade County Medical Examiner's Office Forensic Evidence Technicians requests to engage in outside employment as funeral attendants and as an interim funeral director (INQ 2023-83) for local funeral homes. The forensic evidence technicians' job duties required public interaction as they responded to nursing homes, crime scenes, residences, car accidents, and hospitals to receive decedents and transport them to the ME. *Id.* Additionally, three of the forensic evidence technicians were interested in positions with funeral homes that required public interaction such as driving a hearse, transporting decedents, and assisting with funerals. In each of these cases it was opined that the outside employment would not impair their independence of judgment in the performance of their County duties. In the case of Ms. Jules, neither her ME position nor her proposed outside employment would require any public interaction and do not involve any activities related to collecting recently deceased decedents that could be useful to a private funeral.

Here, based on the information provided to us at this time, **it appears to be unlikely that the type of outside employment you are seeking to engage in would impair your independence of judgment as a Forensic Autopsy Technician at the ME.** This is because there is no overlap between your public duties and your outside employment; your outside employment will be performed outside of your County hours; you will not come into contact with the same persons or

entities involved in her County work; and you will not use the same resources in your outside employment as used in your County work.

Opinion:

Based on the facts presented here and discussed above, you would not have a conflict of interest in your outside employment as an embalmer's apprentice for Caballero Rivero Funeral Home. Moreover, you must adhere to the following sections of the County Ethics Code to avoid any future conflicts of interest:

- You may not appear before any County board or agency to make a presentation on behalf of or seek any benefit for Caballero Rivero Funeral Home. *See* County Ethics Code § 2-11.1(m)(1).
- You may not exploit your County position to secure special privileges or exemptions for yourself, Caballero Rivero Funeral Home, and/or any of its parent or subsidiary organizations. *See* County Ethics Code § 2-11.1(g).
- You may not disclose and/or use any confidential and/or proprietary information acquired because of your County employment and/or position to derive a personal benefit, or for the benefit of Caballero Rivero Funeral Home and/or any of its parent or subsidiary organizations. *See* County Ethics Code § 2-11.1(h).

This opinion is limited to the facts as you presented them to the Miami-Dade Commission on Ethics and Public Trust 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, 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, please contact us for additional guidance.

INQs are informal opinions provided by the legal staff after review and approval by the Executive Director and/or General Counsel. INQs deal with opinions previously addressed in public session by the Miami-Dade Commission on Ethics and Public Trust or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Ethics Commission when the subject matter is of great public importance or where there is insufficient precedent. While this is an informal opinion, covered parties that act contrary to this opinion may be subject to investigation and a formal Complaint filed with the Ethics Commission.