



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Margo Wright, Human Resources Manager  
Miami-Dade Corrections and Rehabilitation Department

**FROM:** Nardia Haye, Staff Attorney  
Miami-Dade County Commission on Ethics and Public Trust

**SUBJECT:** INQ 2025-33 - Section 2-11.1 (j) Conflicting Employment Prohibited, Section 2-11.1 (k) Prohibition on Outside Employment

**DATE:** April 11, 2025

**CC:** All COE Legal Staff

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Thank you for contacting the Miami-Dade County Commission on Ethics and Public Trust and requesting our guidance regarding possible conflicts of interest that may occur as a result of your outside employment as a public arbitrator for the Financial Industry Regulatory Authority (“FINRA”) Dispute Resolution Services.

Facts:

You, Margo Wright, are employed by the Miami-Dade Corrections and Rehabilitation Department (“MDCR”) as a Human Resources Manager. Your primary responsibilities include processing and investigating civil rights violation allegations initiated within MDCR and other agencies. In addition, you collaborate with and assist Assistant County Attorneys handling lawsuits brought against MDCR and its employees in the performance of their duties, represent MDCR in mediations, and provide mediation/conciliation sessions to employees referred by their supervisors to resolve workplace conflicts. Lastly, you develop and provide training and outreach to MDCR employees.

You are currently engaged in outside employment as a public arbitrator for FINRA.<sup>1</sup> FINRA is a private, self-regulatory not-for-profit organization for member broker-dealers that is responsible under federal law for supervising its member firms.<sup>2</sup> Under the oversight of the Securities and Exchange Commission, FINRA protects investors and safeguards the integrity of capital markets to ensure that everyone can invest with confidence.

In carrying out its mission, FINRA provides Dispute Resolution Services (“DRS”) to help investors and firms resolve securities-related disputes through arbitration and mediation. Arbitrators, who are independent contractors and are not employees of FINRA, review evidence and issue final, binding decisions. In your case, as a public arbitrator for FINRA’s DRS, you serve on a panel of other arbitrators who are selected/appointed to hear and resolve civil complaints brought to FINRA for resolution under their purview.

You indicated that your working hours at FINRA would not occur during your assigned hours at MDCR, but for any arbitration hearings that conflict with County hours, you will use approved leave time.<sup>3</sup> Additionally, your work for FINRA would not require contact with the same or similar people as your MDCR position requires, and would not require contact with County employees, departments, or County boards, even for routine matters. In fact, you conveyed that FINRA requires that all arbitrators submit a personal disclosure document that addresses any potential conflicts of interest that would preclude an arbitrator from consideration for a particular case.

Further, you would not use the same resources at FINRA as you do at MDCR; you do not have access to non-public information through your County position that is or could be relevant to your role at FINRA; and your work for MDCR does not include recruiting vendors, contractors, bidders, or members of the public who could use your outside employment services.

Moreover, you relayed that FINRA is not a Miami-Dade County vendor. Regardless, you do not have any involvement, authority, or oversight over FINRA, its staff, and/or any contracts or agreements it may have with the County.

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<sup>1</sup> You advised that you have been a public arbitrator for FINRA since 2012 and have received approval from your department director to do so since you started working for MDCR in 2022.

<sup>2</sup> Information about FINRA was taken from its website: <https://www.finra.org> (last visited on April 8, 2025).

<sup>3</sup> INFORMS reflects that your hours at MDCR are from 7 am to 4 pm. Further, INFORMS delineates that FINRA will release you if MDCR needs your services.

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 your County employment with MDCR and your proposed outside employment with FINRA.

Analysis and 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” or 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). 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.”<sup>4</sup>

Conflicting employment can occur when 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 or her outside employment and in his or 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 employee’s public entity funds or has a contract with his or her outside employer. *See* RQO 17-01; INQ 21-66.

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

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<sup>4</sup> 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. (2021).

employee's department. *See* RQO 00-10; RQO 16-02; 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).

In this case, your direct supervisor, Willie Marshall, expressed that he has no concern regarding your outside employment request. This is bolstered by the fact that you have received approval to be an arbitrator for FINRA since 2022, with no reported issues regarding the impairment of your independence of judgment in the performance of your public duties.

Further, your duties as a Human Resources Manager for MDCR, which include mediating workplace conflicts for MDCR employees, are unrelated to your outside employment arbitrating securities-related issues for FINRA member investors and firms. *See* INQ 19-123 (A Miami-Dade Water and Sewer Department ("WASD") Database Manager did not have a conflict of interest as a Certified Public Accountant for his private company partly because his public duties did not include providing accounting or financial services to WASD, his target clients were not related to the work he performed for the County, and the services that his company provided would not compete with any services WASD provides); *see also* INQ 21-80 (There was no conflict of interest for an MDCR Senior Personnel Specialist, who processed employee insurance plan enrollments, to engage in outside employment as a life insurance/legal agent for a private company that provides insurance, investment, and financial services because there was no overlap between her public duties and her outside employment since she would not solicit, refer, sell to, or process any applications for any MDCR employees, except her immediate family members; she would not use the same resources; and her outside employment would be performed outside her County hours).

Similarly, in your case, your work for FINRA will be performed outside of your MDCR hours, you will utilize approved leave if any scheduling conflicts arise, and FINRA will release you if MDCR needs your services. Additionally, your outside employment would not require you to use the same resources at FINRA that you use at MDCR; your work at FINRA would not require contact with County employees, departments, or County boards, even for routine matters; and you would not have access to non-public information through MDCR that is or could be relevant to your role at FINRA. Finally, FINRA does not have any contracts or agreements with the County, and you do not have any involvement, authority, or oversight over FINRA, its staff, and/or any contracts or agreements it may have with the County.

Thus, based on the information provided to us at this time, **it appears to be unlikely that the type of outside employment you are engaging in would impair your independence of judgment as a Human Resources Manager at MDCR.**

Opinion:

Based on the facts presented here and discussed above, you would not have a conflict of interest in your outside employment as a public arbitrator for FINRA. However, you must adhere to the following sections of the County Ethics Code to avoid any future conflicts of interest:

- You may not engage in activities that relate in any way to your outside employment during regular business hours, including phone calls, or any other communication and/or use of County resources (including but not limited to phones, copiers, computers, fax machines, or County vehicles, in connection with your outside employment, even after work). *See* County Ethics Code §§ 2-11.1(g) and (j); AO 5-5; AO 7-1; INQ 05-29; INQ 15-240; INQ 19-123; INQ 20-43.
- You may not appear before any County board or agency to make a presentation on behalf of or seek any benefit for FINRA. *See* County Ethics Code § 2-11.1(m)(1).
- You may not exploit your County position to secure special privileges or exemptions for yourself, FINRA, 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 FINRA and/or any of its parent or subsidiary organizations. *See* County Ethics Code § 2-11.1(h).
- You must obtain permission to engage in outside employment on an annual basis by filing a Request for Outside Employment with your department director. *See* AO 7-1. Additionally, **you must file an Outside Employment Statement<sup>5</sup> with the County Ethics Commission by noon on July 1st of each year for the prior year's outside employment** regardless of whether you made a profit or not in your outside employment. *See* County Ethics Code § 2-11.1(k)(2).

This opinion is limited to the facts as you presented them to the Miami-Dade County 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.

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<sup>5</sup> You can find the required form online at: <https://documents.miamidade.gov/ethics/outside-employment/outside-employment-statement.pdf>.

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*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.*