



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: H.M. Karriem van Leesten IV, Housing Development Advocate
Miami-Dade Community Action and Human Services Department

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

SUBJECT: INQ 2025-45 - Section 2-11.1 (j) Conflicting Employment Prohibited, Section 2-11.1 (k) Prohibition on Outside Employment

DATE: May 16, 2025

CC: All COE Legal Staff

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 proposed outside employment as a real estate broker for Zillow Group, Inc. (“Zillow”) and as the Director of Development for STAD Real Estate Development Corp. (“STAD”).

Facts:

You, H.M. Karriem van Leesten IV, are employed by the Miami-Dade Community Action and Human Services Department (“CAHSD”) as a Housing Development Advocate. In that position, your primary responsibilities include providing landlords and property owners with information and resources regarding County housing programs and assisting residents with addressing housing conditions with private landlords and public housing authorities. Additionally, you collaborate with other County departments to draft reports about housing issues, and you coordinate with local community groups and task forces on housing planning efforts. Lastly, you maintain community partnerships with public housing authorities, non-profits, and unsafe structures and code enforcement agencies, and you participate in public meetings involving public housing renovation and redevelopment projects.

You have been a real estate broker for Zillow since 2020, and you are the Director of Development for STAD, a company you have owned and operated since 2005. A records check with the Florida Department of Business and Professional Regulation confirms that you have been a licensed real estate broker or sales associate since 2012.

You advised that in addition to Florida, you are licensed in Rhode Island, Massachusetts, Connecticut, Delaware, Washington, D.C., and Tennessee. However, as a real estate broker for Zillow, you do not participate in any real estate transactions in any state. Rather, you serve as a point of contact for regulatory agencies, boards, associations, partners, and the Multiple Listing Service (“MLS”). You elaborated that this entails directing correspondence from the public to various associations and updating documents for the states where you are licensed. You also conduct monthly reconciliations of the MLS and association memberships while ensuring that all accounts remain in good standing, review contracts or similar instruments, and submit expense reports for all work-related purchases.

STAD is a real estate consulting firm specializing in real estate acquisitions and development.¹ Specifically, the firm assists clients with analyzing residential and commercial properties and helps property owners maintain and increase property values. In your role as the Director of Development at STAD, you determine the best use of a property site, conduct site feasibility and suitability analysis, and perform financial analysis for proposed real estate investment and/or development projects. Further, you provide architectural services through design development, construction drawings, architectural rendering, preparation for and attendance at planning and zoning board meetings, as well as permitting and processing. Finally, you ensure that all facets of construction related to the new construction or rehabilitation of a site are executed efficiently and effectively.

You indicated that your working hours at Zillow and STAD would not occur during your assigned hours at CAHSD²; your work for Zillow and STAD would not require contact with the same or similar people as your CAHSD position requires; you would not use the same resources at Zillow or STAD as you do at CAHSD; and your work for Zillow and STAD would not require contact with County employees, departments, or County boards, even for routine matters. Moreover, you do not have access to non-public information through your County position that is or could be relevant to your roles at Zillow or STAD, and your work for CAHSD does not include recruiting vendors, contractors, bidders, or members of the public who could use your outside employment services. Additionally, you indicated that neither Zillow nor STAD are Miami-Dade County vendors and are not seeking to become one.

Notably, you previously received ethics opinions finding that your similar outside employment as the founder of a real estate consulting company and as a real estate broker did not give rise to a conflict of interest with your County duties. *See* RQO 04-173 and RQO 05-28.

¹ Information about STAD was taken from its website: <https://www.stad1.com/9/about/9> (last visited on May 12, 2025).

² INFORMS reflects that your hours at CAHSD are from 9 am to 6 pm, your work at Zillow occurs after your County work on Mondays and Fridays, and you work at STAD on the weekends. Further, INFORMS delineates that Zillow and STAD will release you if CAHSD 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 CAHSD and your outside employment with Zillow and STAD.

Analysis and Discussion:

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 employee’s department. *See* RQO 00-10; RQO 16-02; INQ 13-28.

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.”³

Several factors are considered to determine whether a potential conflict of interest exists between an individual’s County position and their 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 they have jurisdiction; whether the employee will come into contact with the same or similar people or entities in both their public position and outside employment; and whether the employee’s public entity funds or has a contract with their 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

³ 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).

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 00-10; RQO 04-168; RQO 12-07) (concluding that outside employment with similar duties and functions can avoid conflict when abiding by certain limitations). Further, acquiring knowledge from county employment and utilizing such knowledge in outside employment does not create a conflict of interest. *See* INQ 21-80 (citing INQ 20-43).

Here, while your role at CAHSD has some similarities with your roles at Zillow and STAD in that they are all related to real estate, there is no indication that a prohibited conflict of interest exists. To start, there does not appear to be an overlap with your work responsibilities for CAHSD. In addition, you would not be required to use the same resources at Zillow and STAD that you use at CAHSD; your work at Zillow and STAD 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 CAHSD that is or could be relevant to your role at Zillow or STAD. Moreover, you indicated that neither Zillow nor STAD are Miami-Dade County vendors and are not seeking to become one. Importantly, your work for Zillow and STAD will be performed outside of your CAHSD hours, and Zillow and STAD will release you if CAHSD needs your services.

The Ethics Commission has reviewed circumstances parallel to your current situation. In RQO 04-173, you, Mr. van Leesten, previously worked for the County as an Asset Management and Development Officer for the General Services Administration.⁴ In that position, you developed financial analyses for proposed County real estate investment and development projects, represented the County in real estate and capital facilities development transactions, and represented the department before the Planning Advisory Board. The Ethics Commission found no conflict of interest with your outside employment as the founder of a company that specialized in financial analysis of real estate acquisition and development projects for commercial developers and non-profit entities, with the caveat that you comply with certain conditions. These conditions include prohibiting your clients from seeking analysis or assistance with any properties or developments owned, leased, financed, or sought by the County or any agency or instrumentality of the County; and requiring you to submit a list of clients and their projects to your department director quarterly to evaluate your client list for any potential conflicts.

Subsequently, in RQO 05-28, you worked for the County as a Tax Increment Financing Coordinator for the then extant Office of Strategic Business Management, which used tax increment financing to develop Community Redevelopment Areas ("CRA") in underserved communities. Your responsibilities encompassed developing studies for new CRAs; soliciting developer proposals, contract negotiations, and property acquisition; and developing interlocal agreements. The Ethics Commission determined that your outside employment as a real estate broker was permissible provided you abide by the conditions outlined above. *See also* INQ 23-122

⁴ Code of Miami-Dade County Sec. 1-4.3(f) (2013) – "Reorganization of County Administrative Departments" renamed and reorganized many of this department's functions to the Internal Services Department.

(concluding that your current CAHSD supervisor, Delores Holley, does not have a conflict of interest as an associate realtor for a private company if she abides by certain restrictions).

In this case, Ms. Holley explained that although there does not presently appear to be a conflict of interest regarding your outside employment request, your outside employment could potentially give rise to a conflict. Therefore, in accordance with the above-mentioned ethics opinions, your outside employment with Zillow and STAD must adhere to the following conditions in order to avoid the creation of a conflict of interest:

- Your clients may not seek analysis or assistance with any properties or developments owned, leased, financed, or sought by the County or any agency or instrumentality of the County.
- You may not work with any clients or projects that involve or relate to your County work. *See* INQ 23-122.
- You must submit a list of the clients and their projects to your department director quarterly.

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 Housing Development Advocate at CAHSD, so long as you adhere to the conditions outlined above.**

Opinion:

Based on the facts presented here and discussed above, you would not have a conflict of interest in your outside employment as a real estate broker for Zillow and the Director of Development for STAD. However, to avoid any future conflicts of interest, you must abide by additional limitations outlined below:

- 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 your clients, Zillow and/or STAD clients, or Zillow and/or STAD. *See* County Ethics Code § 2-11.1(m)(1). **It is important to note that you are prohibited from doing any lobbying activities on behalf of Zillow, STAD, or its clients.**
- You may not exploit your County position to secure special privileges or exemptions for yourself, your clients, Zillow and/or STAD clients, Zillow and/or STAD, and/or any of its parent or subsidiary organizations. *See* County Ethics Code § 2-11.1(g). **Specifically, you**

may not offer your or Zillow and/or STAD's real estate services to anyone during County working hours, including co-workers, subordinates, and other County employees. See INQ 19-101.

- 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 your clients, Zillow and/or STAD clients, Zillow and/or STAD, 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 annually by filing a Request for Outside Employment with your department director. See AO 7-1. Additionally, **you must file an Outside Employment Statement⁵ 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, 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.

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