

MIAMI-DADE COUNTY COMMISSION ON ETHICS AND
PUBLIC TRUST

JNO 05-140

FACSIMILE TRANSMITTAL SHEET

TO: Nadine Mensah	FROM: Ardyth Walker
COMPANY: GSA	DATE: 8/19/2005
FAX NUMBER: (305) 375-4593	TOTAL NO. OF PAGES INCLUDING COVER: 4
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE:	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

If you have any questions, please call me at (305) 350-0616 or e-mail me at awalker@miamidade.gov.

Walker, Ardyth (COE)

From: Mensah, Nadine (GSA)
Sent: Thursday, August 18, 2005 4:11 PM
To: Walker, Ardyth (COE)
Subject: RE: County employee applying for grant through county dept

The name of the corporation is NADEB Investment Group, Inc.
My duties at GSA are accounts receivable, deposits and billing for non-entity departments.
The purpose of the grant is for rehabilitation of some apartment buildings in Opa-Locka and also to provide some of the rental units for homeless families.

-----Original Message-----

From: Walker, Ardyth (COE)
Sent: Wednesday, August 17, 2005 4:15 PM
To: Mensah, Nadine (GSA)
Subject: RE: County employee applying for grant through county dept

I have a couple of questions.
1.What is the name of the corporation?
2.What are your duties with GSA?
3.What is the purpose of the grant?

-----Original Message-----

From: Mensah, Nadine (GSA)
Sent: Wednesday, August 17, 2005 4:04 PM
To: Walker, Ardyth (COE)
Subject: County employee applying for grant through county dept

Hello Ardyth,

My name is Nadine Mensah and I am a county employee in the General Administration Services department as an Accountant 1 and my husband and I own a corporation that deal basically with rental properties. We are applying for some grants (CBDG and SURTAX) that is funded by the federal government but the fund is being disburse through the county's Office of Community and Economic Development department. Can you please render an opinion to make sure that there is no conflict of interest?

The deadline for this grant is August 24, 2005 so your prompt response will be much appreciated.

Thank you.



ETHICS COMMISSIONERS

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ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

August 19, 2005

Nadine Mensah
GSA
111 N.W. First Street
24th Floor
Miami, FL 33128

RE: INQUIRY 05-125

Dear Mrs. Mensah:

I received your request for an advisory opinion and I am rendering my opinion based on the facts stated in your letter. The Ethics Commission has not considered this matter.

You requested an opinion regarding your ability to apply for Community Development Block Grants (CDBG) and Surtax funds administered by the Office of Community and Economic Development (OCED).

In your letter, you advised me that you are an Accountant I with the General Services Administration. Your duties include accounts receivable, deposits and billing for non-entity departments. You and your husband own NADEB Investment Group which deals mostly in residential rental properties. NADEB would like to apply for CDBG and Surtax funds to rehabilitate apartment buildings in the Opa-Locka area.

NADEB may contract with OCED and receive CDBG and Surtax grants. Section 2-11.1 (c) provides that " Notwithstanding any provision to the contrary herein, subsection (c) and

(d) shall not be construed to prevent any employee...from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County as long as 1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract awards or awarding the contract , and 3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance. A controlling financial interest is defined as ten percent or more.

Section 2-11.1(c) further states that "(h)owever, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County if the employee works in the County department which will enforce, oversee or administer the subject contract. An immediate family member is defined as spouse, parents and children.

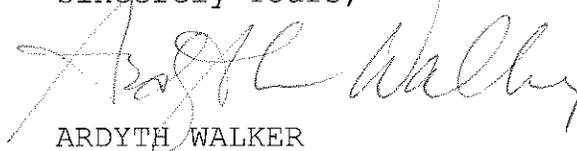
Since you are not an OCED employee, you may apply for and receive grants for your corporation. However, Section 2-11.1(m) (1) prohibits you from appearing before any county agency regarding your grant application. Therefore, you may not negotiate terms of any grant with OCED personnel or appear at meetings with OCED personnel regarding the grants. Your husband or another officer or employee of the corporation must attend meetings with OCED personnel.

Therefore, NADEB may contract with OCED and receive CDBG and Surtax funds. However, you may not meet with county personnel regarding the grants. All meetings regarding the grants must be handled by your husband or another official of the corporation.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 350-0616.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Ardyth Walker".

ARDYTH WALKER
Staff General Counsel

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

If you have any questions, please call me at (305) 350-0616 or e-mail me at awalker@miamidade.gov.

19 West Flagler, Suite 207, Miami, FL 33130 (305) 350-0616 Phone (305) 579-1093-Fax

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