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February 9, 2005

Jordan W. Leonard
10300 West Bay Harbor Drive # 1D
Bay Harbor Islands, FL 33154

RE: REQUEST FOR OPINION 05-16

Dear Mr. Leonard:

You requested an opinion regarding any potential conflicts as they relate to your application for the 2005 Mom & Pop Small Business Grant Program for District 4.

According to your letter, you work as a Policy Analyst for the Miami-Dade County Task Force on Urban Economic Revitalization ("Task Force"). The Mom & Pop Small Business Grant Program originated from your office, but was transferred last year to the Office of Community & Economic Development, which is a separate entity from the Task Force. While the grant program was administered through your office, you provided technical assistance to the selection committee and to the grant recipients under the program. This year, however, you and your office have no role in the program, in any capacity.

Furthermore, you indicate that you have a company, The Leonard Group, Inc., which provides consulting services. You will be applying for the small business grant on behalf of your company. You have obtained permission from your department director to engage in your outside employment, and accordingly, file the required outside employment disclosure forms annually.

Under the Conflict of Interest and Code of Ethics Ordinance, you are permitted to apply for and to receive the grant funds from the 2005 Mom & Pop Small Business Grant Program. Section 2-11.1 (c)(2) 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. However, 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.

Given that your job with the Task Force no longer requires your involvement with the Grant Program, and that the Task Force no longer administers and manages the grant application process, you may contract with the County to receive the grant funds from the program.

In a related opinion, the Ethics Commission opined that an appointed County official could apply for and receive a grant from the Mom & Pop Grant Program since the department administering the Grant Program was not subject to the regulation, oversight or policy-setting of the quasi-judicial board of which she was a member. (*See RQO 04-115*).

In addition, the Code's outside employment provisions prohibit you from accepting other employment that would impair your independence of judgment in the performance of your official duties. *See 2-11.1 (j)*. Therefore, The Leonard Group, Inc. may not represent clients or take on

consulting projects that would impair your work as a policy analyst with the Task Force.

Lastly, your outside employment income disclosure forms are to be filed with the Elections Department by July 1st of each year, including the July 1st following the last year that you held the outside employment.

This opinion construes the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics should you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call Robert Meyers, Executive Director at (305) 579-2594 or the undersigned at (305) 350-0615.

Sincerely Yours,



Christina Prkic
Staff Attorney