



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

19 West Flagler Street, Suite 820 · Miami, Florida 33130
Phone: (305) 579-2594 · Facsimile: (305) 579-0273
Website: ethics.miamidade.gov

MEMORANDUM

TO: Manuel Perez-Vichot, President, Southeast Design Associates, Inc., and Board Member, Miami-Dade County Fire Prevention and Safety Appeals Board

FROM: Gilma Diaz-Greco, Staff Attorney
Commission on Ethics

SUBJECT: INQ 19-107, Miami-Dade Code of Ethics Sections 2-11.1(c),(g), and (n)

DATE: 10-22-19

CC: All COE Legal Staff; Office of Miami-Dade Commission Vice Chairwoman Rebecca Sosa, District 6, Manny Orvis, Special Projects Liaison, District 6

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding County board members applying for Mom and Pop Grants which are funded by Miami-Dade County.

Facts:

You serve as a Board Member of the Miami-Dade County Fire Prevention and Safety Appeals Board ("FPSAB"). The FPSAB is charged with the authority to hear and determine appeals regarding fire safety and fire prevention regulations for all jurisdictions and municipalities in Miami-Dade County and to advise the Board of County Commissioners on fire prevention or fire safety matters in Miami-Dade County.

Mom and Pop Grants are funded by Miami-Dade County. Neighbors and Neighbors Association, a not-for-profit organization, administers and makes recommendations regarding the Mom and Pop Grant applications; funds are distributed by the Commission offices of the 13 County Districts to businesses that meet the requirements of the grants. Your company, Southeast Design Associates, Inc. ("SEDAI") is applying for a Mom and Pop Grant funded through Commissioner Rebeca Sosa's District 6 Office.

Issue:

Whether the County Ethics Code would prevent your privately-owned company, TJJ from accepting a Mom & Pop Grant funded through the District 3 Office.

SEDAI

Discussion and Opinion

Your inquiry involves several sections of the County Ethics Code which are analyzed below:

A. Mom and Pop Grant

Section 2-11.1(c)(3) of the County Ethics Code generally permits County Board members to transact business with the County either individually or through the board member's firm. However, pursuant to this section, County board members are prohibited from contracting with any County agency or department subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the board of which the person is a member.

In this instance, the board on which you serve, the FPSAB, is not involved in any way in the administration, selection or oversight of the Mom and Pop grants. Consequently, your company, SEDAI, may accept this grant.

B. Actions Prohibited where Financial Interests Involved and Exploitation of Official Position

The County Ethics Code prohibits a County board member from exploitation of their official position and from participating in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest. This means that you may not contact anyone within the County (or anyone working on behalf of the County) in an attempt to influence his/her decision about the grant; and you may not use your County position to secure **special privileges or exemptions** with respect to participating in the Mom and Pop Grant to which you are applying. See County Ethics Code §§2-11.1(g) and (n).

This opinion is limited to the facts as you presented them to the Commission on Ethics 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.

Please submit this opinion to Neighbors and Neighbors Association, Inc. The Ethics Commission does not submit this letter on your behalf.

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

Request for Opinion from Commission on Ethics Acquiring Financial Interest

I, MANUEL PEREZ-VICHOT, the owner or president of
(Owner or President Name)

SOUTHEAST DESIGN ASSOCIATES, whose business address is
(Business Name)

627 ELDRON DR., MIAMI SPRINGS, FL 33166
(Business Address, City, State, Zip)

(305) 871-1648 mperez@sedainc.com
(Phone #) (Email)

Include a short description of the type of business operating _____

ARCHITECTURAL FIRM

Are you currently an employee or board member of any Miami Dade County Board?
Yes No _____

MIAMI DADE COUNTY FIRE PREVENTION
AND SAFETY APPEALS BOARD

If yes, what Department or Board? _____

If yes, are you seeking to contract with Miami Dade County? Yes _____ No:

I am being considered for funding through the Mom and Pop Small Business Grant Program and request the clearance from the Commission on Ethics. Please review my request and forward to Neighbors And Neighbors Association, Inc. to the attention of Leroy Jones, Executive Director, 5120 NW 24th Ave., Miami, FL 33142 or fax (305) 756-6008. Thank you in advance for your attention to this very important matter.

Rebeca Sosa
1000 SW 57th Avenue, Suite 201
Miami, FL 33144

This page must be completed.