



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Brian Andrews, President, The News Directors, Inc, and Board Member,
Miami-Dade LGBTQ Advisory Board

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

SUBJECT: INQ 20-26 Miami-Dade Code of Ethics Sections 2-11.1(c),(g), and (n)

DATE: 3-20-20

CC: All COE Legal Staff; Office of Miami-Dade Commissioner Eileen
Higgins, District 5; Maggie Fernandez, Chief of Staff, District 5; Victoria
Goss, Training Coordinator, Neighbors and Neighbors Association

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 Lesbian, Gay, Bisexual, Transgender, Queer Advisory Board (“LGBTQ Board”). The LGBTQ Board serves as a vehicle for systematic and periodic assessment of the quality of life of LGBTQ residents and visitors of the County, and works to foster a mutual level of understanding, tolerance and respect for the LGBTQ community. The Board duties include cooperating in the development of education programs; making recommendations to the County Commission with respect to all issues affecting the LGBTQ community; recommending solutions to the social, economic, cultural, and political problems faced by the LGBTQ community; encouraging and attracting new LGBTQ Businesses to the County and assisting LGBTQ businesses already located in the County.

Mom and Pop Grants are funded by Miami-Dade County. Funds are distributed by the Commission offices of the 13 County Districts to businesses that meet the requirements of the grants. The LGBTQ Board is not involved in the selection, administration or oversight of the Mom and Pop Grant. Your company, The News Directors, INC. (“ND”) is applying for a Mom and Pop Grant funded through Commissioner Eileen Higgins’ District 5 Office.

Issue:

Whether the County Ethics Code would prevent your privately-owned company, ND, from accepting a Mom & Pop Grant funded through the District 5 Office.

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, LGBTQ Board, is not involved in any way in processing or administering the Mom and Pop grants. Consequently, ND 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.

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.