



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Silvia Ros, Owner, Silvia Ros Photography, LLC., and Committee Member, Cultural Affairs Council

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

SUBJECT: INQ 20-27 Miami-Dade Code of Ethics Sections 2-11.1(c)

DATE: 3-20-20

CC: All COE Legal Staff; Office of Miami-Dade Commission Chairwoman Audrey M. Edmonson, District 3, 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 on the Miami-Dade Cultural Affairs Council (CAC), as a member of the Community Arts Grant Program committee. The CAC Board is tasked with developing, coordinating, and promoting performing arts and sciences in the County. The CAC administers a grant program for local artists, and you serve on the committee which makes recommendations to the CAC for these grants.

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. Neither the CAC nor the Community Arts Grant Program committee on which you serve are involved in the selection, administration or oversight of the Mom and Pop Grant. Your company, Silvia Ros Photography, LLC. (SRP) is applying for a Mom and Pop Grant funded through Chairwoman Audrey M. Edmonson's District 3 Office.

Issue:

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

Discussion and Opinion

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, you serve on a committee of the CAC. Committees of County boards may be considered County boards under certain circumstances outlined in Miami-Dade Code 2-11.36.1. We have been unable to ascertain with the information provided to us, whether the committee on which you serve meets the definition of a covered board under the County Ethics Code. Nevertheless, we conclude that the County Ethics Code would not bar you from applying for a Mom and Pop Grant because, even if the committee on which you serve was defined as a County board, no prohibited conflict would occur because neither the CAC nor this committee are involved in any way in processing or administering the Mom and Pop grants. Consequently, SRP may accept this grant.

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.