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March 14, 2006

Silvia Unzueta
Director
Office of Community and Economic Development
140 West Flagler Street
Suite 1000
Miami, FL 33130

RE: REQUEST FOR ADVISORY OPINION 06-27

Dear Mrs. Unzueta:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 9, 2006 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether a grant recipient may pay personnel who is simultaneously employed by another grant recipient. The OCED agreements with each organization provide that they are covered by the Conflict of Interest and Code of Ethics ordinance.

In your request, you advised the Commission that Hilda P. Hall is currently serving as Incubator Manager for the Carrie Meek Center for Business. In her capacity as Incubator Manager, Hall manages the small business incubation program that provides technical assistance and support to small businesses. The Carrie Meek Center for Business receives funding from OCED. However, Hall is not paid out of OCED funds.

Hall also serves as a board member of the Martin Luther King Economic Development Corporation (MLKEDCO). Hall was recently selected to serve as President/CEO of the MLKEDCO. Hall is compensated with OCED funds for serving in this position. MLKEDCO also employs an Executive Director who manages the day-to-day operation of the organization. Hall provides administrative oversight and financial services to MLKEDCO. Hall serves only 20 hours a week in this capacity.

The Commission found that the Conflict of Interest and Code of Ethics ordinance permits Hall to simultaneously serve as Incubator Manager for the Carrie Meek Center and President/CEO of MLKEDCO. Further, Hall may be compensated for serving as President/CEO of MLKEDCO because the duties do not conflict with each other.

Section 2-11.1(j) prohibits an employee from accepting other employment that will impair the employee's independence of judgment in performing their public duties. Since the duties of the jobs are not related and the performance of one will not affect her independence of judgment in the other, she may perform in both capacities.

Further, the Conflict of Interest ordinance does not prohibit an organization from paying an employee with grant funds because the employee is affiliated with another grant recipient. Therefore, Hill may serve in both capacities and OCED funds may be used to pay her MLKEDCO salary.

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. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding the
opinion, please call the undersigned at (305)
579-2954 or Ardyth Walker, Staff General
Counsel at (305) 350-0616.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers", followed by a horizontal line extending to the right.

ROBERT MEYERS
Executive Director

cc: Hilda Hall