

October 31, 2006

Rick Glasgow
Acting Director
Economic Development Division
Office of Community and Economic Development
140 West Flagler Street
Suite 1100
Miami, FL 33128

RE: RQO 06-56

Dear Mr. Glasgow:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on October 30, 2006 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether county employees may receive grants from the Mom and Pop grant program.

In your request, you advised the Commission that the Mom and Pop grant program provides grants up to \$10,000 for small neighborhood businesses. In order to qualify, a grantee must have the appropriate licenses, have no more than 2 offices or 7 employees and hold the required licenses. The grants may be used for the purchase of equipment and supplies, marketing/advertising, security systems, commercial liability insurance and renovations.

The grants are awarded through a request for application process. Neighbors and Neighbors Association, (NANA) reviews the applications and makes grant recommendations. The

application requires the grantee to disclose whether he or she or any employee is employed by Miami-Dade County. Each grantee must execute a contract with OCED.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits employees to receive grants through the Mom and Pop grant program. However, all employees must follow the procedures outlined in Section 2-11.1(c) prior to contracting with OCED. Further, all employees must report any business as outside employment.

Section 2-11.1(c) permits county employees to contract with the county as long as they receive an Ethics Commission opinion prior to entering into the contract. Section 2-11.1(c) provides that Section 2-11.1 (c) 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.

Section 2-11.1(c)(4) further provides that any covered person "shall seek a conflict of interest opinion from the Miami-Dade County Commission on Ethics and Public Trust ("the

Ethics Commission") prior to submittal of a bid, response or application of any type to contract with the County by the person or the immediate family."

Accordingly, a County employee may contract with the County to receive grant funds as long as the employee does not work for OCED and requests an opinion prior to contracting with the county. Finally, the employee must seek approval for the outside employment and file the annual disclosure form.

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 this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

ROBERT MEYERS
Executive Director