

December 27, 2006

Milton Vickers
President and CEO
Metro-Miami Action Plan
19 West Flagler
M-106
Miami, FL 33130

RE: RQO 06-62

Dear Mr. Vickers:

The Ethics Commission reviewed your request for an advisory opinion at its meeting on December 21, 2006. You requested an opinion regarding whether county employees may receive MMAP loans or grants for outside businesses.

In your request, you advised the Commission that Roy Hardemon is seeking a MMAP grant for start-up capital for a landscaping company. Hardemon is a part-time County employee. MMAP operates a revolving loan fund which makes loans to small businesses. In order to qualify for the loan program, the applicant must provide a business plan which includes a full description of the existing organizational structure, financial statements for all shareholders, personal and corporate tax returns and pending and existing contracts. The loan program generally provides three types of financing: working capital, contract financing and fixed asset purchasing. A business must be a for-profit venture to qualify for financing.

The Ethics Commission found the Conflict of Interest and Code of Ethics ordinance permits a county employee to apply for and receive MMAP funds for an outside business as long as the employee does not work for MMAP. Section

2-11.1(c) permits an employee to contract with the county to receive funds. Section 2-11.1 (c) provides that (n)otwithstanding 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. Accordingly, Hardemon may contract with MMAP to receive start-up capital for an outside business as long as he is not a MMAP employee.

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.

Sincerely Yours,

ROBERT MEYERS
Executive Director

