

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, August 16, 2018 12:58 PM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-198, Carol Munroe, Courtroom Clerk II, Clerk of Courts (Limitations on contracting with the County, and actions prohibited where financial interest involved)

INQ 18-198 Munroe

From: Turay, Radia (COE)
Sent: Thursday, August 16, 2018 12:35 PM
To: 'cmunroe1@bellsouth.net' <cmunroe1@bellsouth.net>; Munroe, Carol (COC) <Carol.Munroe@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: INQ 18-198, Carol Munroe, Courtroom Clerk II, Clerk of Courts ((c), and (n))

Dear Ms. Munroe,

You inquire whether you, a County employee, may apply for a County grant on behalf of a company that you own.

Background

You are a Courtroom Clerk II for the Criminal Division of the Clerk of Courts (COC). Your job responsibilities include clerical duties in a designated courtroom; attending court sessions and preparing records of court proceedings in conformance with statutes, policies, and the direction of a Judge; swearing in witnesses and juries; maintaining exhibits offered in evidence; and performing related duties as assigned.

You are the President and CEO of a company named Soles Desire, LLC. Soles Desire, LLC is an online retail business that sells shoes for women. In your role as President and CEO of the company, you manage all day-to-day operations of the business in order to achieve targeted productivity, sales and profitability; ensure customer service; maintain the company's website; and monitor merchandise needs and inventory levels via communication with customers. Your County department has approved your outside employment with Soles Desire, LLC.

You wish to apply for Miami-Dade Economic Advocacy Trust's Small Business Capital Grant (SBCG), on behalf of Soles Desire, LLC. MDEAT announced the availability of SBCGs through its Small Business Capitalization Program, for small to medium minority businesses in the South Dade and North Dade areas, in the amount of \$2,500 to improve or stabilize neighborhood businesses located in targeted urban areas. Small businesses wishing to apply for the grant must fill out and submit an application to MDEAT. I have confirmed with MDEAT that applicants are not required to make any presentation to County employees in order to receive the funds.

You do not work in the department that administers the program. None of your duties at the County include any involvement in the administration or oversight of the program. You have represented that intend to use the grant funding for new inventory, marketing/advertisement, and technology. While you are the sole owner and employee of Sole Desire, LLC, you do not pay yourself a salary from the business.

Analysis

Section 2-11.1(c) of the Ethics Code 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, (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. However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency action for Miami-Dade County, if the employee works in the county department which will enforce, oversee or administer the subject contract. “

Additionally, Section 2-11.1(n) provides that no county employee “shall participate in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest.”

Based on the facts you presented, your company, Soles Desire LLC, may accept a County grant because you do not work for the department that oversees the grant; your county duties do not include any enforcement, oversight, amendment, extension, termination or forbearance of the MDEAT SBCG grant; and your County duties do not require you to participate in any official action that would affect your business, Soles Desire LLC.

Please be aware that the following limitations under the County Ethics Code also apply to you:

- 1) You shall not lobby the County on behalf of Soles Desire, LLC; nor may you appear before any County Board or agency and make a presentation on behalf of Soles Desire, LLC with respect to any grant, contract, certificate, ruling, decision, opinion, rate, schedule, franchise or other benefit sought by Soles Desire, LLC. See §2-11.1(s); §2-11.1(m)(1), County Ethics Code.

Please note, that this prohibition has been interpreted very broadly by the Ethics Commission as it relates to current county or municipal officers and employees. In RQO 12-10, the Ethics Commission stated that “individuals serving in County positions may *not engage in any discussions whatsoever* with officials, directors or staff of County government on behalf of third parties.” See RQO 12-10. Further, various opinions from the Ethics Commission have stated, that a county employee may not engage in any interaction with county staff on behalf of a third party (Soles Desire, LLC), even if the interaction is for a perfunctory meeting involving ministerial/clerical issues, or information requests. See IRQO 12-10; INQ 15-240.

- 2) You may not use or attempt to use your official position to secure special privileges or exemptions for yourself or others with respect to the Soles Desire, LLC being awarded or accepting the grant. See Section 2-11.1(g), County Ethics Code. In order to ensure that there is no appearance that you are using your County position to benefit yourself or Soles Desire, LLC, there should be no connection or involvement whatsoever between your County position and any aspect of the SBCG program. See INQ 14-62. Consequently, you may not participate in any aspect of the SBCG program, including oversight, administration, or determination of SBCG funding during the entire term of the grant/funding. See RQO 09-20, RQO 09-118; INQ 18-100, INQ 04-87.
- 3) You may not use confidential information gained through your official position, directly or indirectly, for your personal gain or benefit. See Section 2-11.1(h), County Ethics Code.

This opinion is based on the facts presented. If any of these facts change, please contact us.

Sincerely,

RADIA TURAY

Staff Attorney

Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 350-0601
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From: cmunroe1 [<mailto:cmunroe1@bellsouth.net>]
Sent: Tuesday, August 07, 2018 12:13 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: request for a written opinion

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reportspam@miamidade.gov **Enterprise Security Office**

Here are the responses for the follow-up question 6:

a) Please provide the name of the organization/small business on behalf of which you will apply for the grant?

Soles Desire, Llc

b) Please provide a brief description of what services the small business provides?

Daily operations of online retail business providing women shoes.

c) Please provide your title and job duties with the small business?

I am the President and CEO of Soles Desire, Llc. Manage all day-to-day operations of business in order to achieve targeted productivity, sales and profitability (within approved merchandising and pricing policy). Additionally, ensures customer service, maintained website. Also, responsible for monitoring merchandise needs and inventory levels via communication with customers.

- *Leadership, growth, and direction of Soles Desire*

d) Do you have a financial interest in the business? Percentage?

I am not providing a salary for myself from the business. No one else has a claim on the business. Every dollar was provide from me only, 100%.

e) Please advise whether you will financially benefit from any of the funds that the small business receives through the MDEAT grant that it is applying for?

No, I will not financially benefit from any of the funds that the small business receives through the MDEAT grant that I am applying for; the business, Soles Desire, Llc would benefit from this grant, for its use in providing new inventory, marketing/advertisement, and technology.

[Sent from Yahoo Mail on Android](#)

On Tue, Aug 7, 2018 at 10:11 AM, Turay, Radia (COE)
<Radia.Turay@miamidade.gov> wrote:
Hello Ms. Munroe,

Thank-you for responding to our initial questions. We need to follow-up however on Question 6.

- a) Please provide the name of the organization/small business on behalf of which you will apply for the grant?
- b) Please provide a brief description of what services the small business provides?
- c) Please provide your title and job duties with the small business?
- d) Do you have a financial interest in the business? Percentage?
- e) Please advise whether you will financially benefit from any of the funds that the small business receives through the MDEAT grant that it is applying for?

Thanks,

Radia.

From: cmunroe1 [<mailto:cmunroe1@bellsouth.net>]
Sent: Friday, August 03, 2018 6:37 PM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: Re: request for a written opinion

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Hello Mrs. Turay,

Here are the responses to 10 questions asked of me:

1. Please provide a good telephone number at which you can be reached?

786-439-7817

2. What County department do you work for?

In the Circuit Court of the 11th Judicial Circuit, Criminal Division, Clerk of the Courts; Department code 031- Division 03- Location-014

3. What is your title in you County employment?

Courtroom Clerk II

4. Please advise of your County duties and responsibilities?

Main responsibilities include clerical duties in a designated courtroom; attend court sessions and prepare records of court proceedings in conformance with statutes, policies, and the direction of a Judge; swear in witnesses and juries; maintain exhibits offered in evidence; and to perform related duties as assigned.

5. What County grant are you applying for?

The Miami Dade Economic Advocacy Trust, Small Business Capital Grant

6. Are you applying in your individual capacity or on behalf of an organization?

Apply in my individual capacity as a small business owner.

7. If you are applying on behalf of an organization please provide its name, your title, and your responsibilities to the organization?

N/A

8. Does the grant application require you to make a presentation in front of a County board or committee?

No

9. Do you work in the same County department that administers or oversees the grant program?

No

10. Do you County duties include administration or oversight the grant program?

No

Cordially

Carol Munroe

300 NW 19th Terr

Miami, FL 33136
786-4397817

cmunroe1@bellsouth.net

On Thursday, August 2, 2018 2:01 PM, cmunroe1 <cmunroe1@bellsouth.net> wrote:

To Whom It Concerns:

I am applying for a grant with the a county department, Miami Dade Economic Advocacy Trust. I am a county employee. I need to find out would there be a conflict of interest by me being a county employee.

I would need this conflict of interest opinion in writing on or before August 16, 2018. The application deadline is August 18, 2018.

Cordially

Carol Munroe

employee #38197

cmunroe1@bellsouth.net