



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Chandra Burse, Clerk II, Domestic Violence Unit
Miami-Dade County Clerk of the Courts

FROM: Martha D. Perez
Staff Attorney

SUBJECT: INQ 19-71

DATE: July 9, 2019

CC: COE Legal Staff; MDEAT TUA Small Business Capitalization
Application Program Partner, Maria Coto

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust (COE) and seeking guidance regarding your application for a Target Urban Area Small Business Capitalization (TUA-SBC) grant for your for-profit business.

Facts

You are employed by the Miami-Dade County Clerk of the Courts as a Clerk II assigned to the Family/Domestic Violence Unit. You are in the process of completing an application for a TUA-SBC grant for your privately-owned business. ¹Your business is a home-based event planning business in Miami-Dade County.

TUA-SBC (\$2,500.00) grants are distributed by the Miami-Dade Economic Advocacy Trust (MDEAT) to small and medium minority businesses in the South and North Dade areas, for the improvement and stabilization of neighborhood businesses throughout these targeted urban areas and the targeted urban area corridor. These grants are County funded.

Issue

Whether the County Ethics Code prevents your privately-owned business from applying and accepting a TUA-SBC grant administered by MDEAT.

¹ Search in sunbiz.com revealed Heavenly Occasions Event Planning, Inc., a for-profit corporation located at 1063 NW 106 Terr., Miami, listing Chandra Burse as President, is inactive.

Discussion

For a County employee to apply for a TUA-SBC/ County grant for its business, the County employee must comply with the following provisions of the County Ethics Code:

- I. Outside employment, Section 2-11, MDC Code; A.O. 7-1; Procedure 403; Section 2-11.1(j), County Ethics Code.

The work you do for your home-based for-profit business constitutes outside employment. **This letter does not grant you permission to engage in outside employment.** You must request permission from your department/division supervisor before engaging in outside employment. Permission must be requested annually.

If you have not done so, please follow the online procedures for County employees seeking permission to engage in outside employment which may be found by accessing the employee's Epar system.²

- II. Transacting business or contracting with the County, Section 2-11.1(c), County Ethics Code.

Once you have been granted permission to engage in outside employment, you may apply for and accept a TUA-SBC grant, as long as the Clerk of the Courts is not involved in any way in processing or administering the grant, including participation or vote in determining or awarding the grant. Additionally, none of your job duties or responsibilities may require you to be involved in this grant in any way, including, but not limited to, its oversight, administration, amendment, extension, termination or forbearance. (§§ 2-11.1 [c] and [n])

- III. Certain appearances prohibited, Section 2-11.1(m)(1), County Ethics Code

You are permitted to complete and submit the grant application; however, you may not *lobby* the County. In other words, you may not contact anyone within the County and specifically within MDEAT, through any means, to influence a decision about your grant application.

- IV. Exploitation of official position, Section 2-11.1(g), County Ethics Code

Lastly, the County Ethics Code prohibits County employees from exploiting their official public positions. This means that you may not use your County position to secure special privileges or exemptions with respect to participating in any grant program which your business is applying for.

² You may obtain assistance on the online process by contacting your DPR or the County's Human Resources Department.

Conclusion

Consequently, you are not prohibited from applying for and accepting a TUA-SBC grant if you abide by the ethics provisions stated herein. Please note, **this opinion does not address or apply to any additional requirements, qualifications or criteria for your eligibility of these grant funds.**

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.

This opinion is limited to the facts as you presented them to the Commission on Ethics Staff 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.