



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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Website: [ethics.miamidade.gov](http://ethics.miamidade.gov)

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### MEMORANDUM

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**TO:** David Gray, Bus Operator, Miami-Dade Department of Transportation and Public Works

**FROM:** Gilma Diaz-Greco, Staff Attorney  
Commission on Ethics

**SUBJECT:** INQ 19-88

**DATE:** 9-30-19

**CC:** All COE Legal Staff; Office of Commissioner Barbara J. Jordan, District 1;  
Victoria Goss, Training Coordinator, Neighbors and Neighbors Association

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Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding County employees applying for Mom and Pop Grants which are funded by Miami-Dade County.

Facts:

You are employed by the Miami-Dade County Transportation and Public Department (DTPW) as a Bus Operator. You would like to apply for a Mom and Pop Grant for your privately-owned company, David A. Gray Services, ("Gray Services"). Mom and Pop Grants are funded by Miami-Dade County. Neighbors and Neighbors Association, a not-for-profit organization, administers and makes recommendations regarding the Mom and Pop Grant applications; funds are distributed by the Commission offices of the 13 County Districts to businesses that meet the requirements of the grants. Gray Services is applying for a Mom and Pop Grant funded through Commissioner Barbara J. Jordan's District 1 Office.

Issue:

Whether the County Ethics Code would prevent your privately-owned company, Gray Services, from accepting a Mom & Pop Grant or from becoming a County vendor.

## Discussion and Opinion

Your inquiry involves several sections of the County Ethics Code which are analyzed below:

### A. Outside Employment

Work conducted for Gray Services, your privately-owned business, constitutes outside employment. The County Ethics Code prohibits County employees from engaging in conflicting outside employment. Conflicting employment is sometimes created when a County employee comes in contact with the same or similar people or entities in both his outside employment and in his County job or when he uses the same or similar resources in his outside employment as he uses in his County work. Also note that you may not use County time or resources in the performance of your outside employment. *See* County Ethics Code §§ 2-11.1 (g) and (j), Miami-Dade Code 2-11, and Administrative order 7-1.

Please note that this letter does not grant you permission to engage in outside employment. You must obtain permission to engage in outside employment annually from your supervisor and file related financial disclosure forms annually.

### B. Mom and Pop Grant

Once you have been granted permission to engage in outside employment, your company, Gray Services, may *accept the Mom and Pop Grant*, as long as DTPW which employs you, is not involved in any way in processing or administration of the grant. This includes the condition that you may not participate in determining or awarding the grant. Additionally, none of your job responsibilities and/or job descriptions may require you to be involved in the grant in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. *See* County Ethics Code §§ 2-11.1 (c) and (n).

### C. Contracting with the County

The County Ethics Code at Sections 2-11.1(c)(2), (d), and (g) allow you to contract with County as a County Vendor, either individually or through your firm, Gray Services, provided that the contract does not interfere with the full and faithful discharge of your duties to the County.

This means that you shall not participate in determining the contract requirements or in awarding a contract to Gray Services. Additionally, none of your job responsibilities and/or job descriptions shall require you to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. In your case, this means that Gray Services, shall not enter into contracts with DTPW.

### D. Lobbying

Additionally, you may not lobby the County. In this case, it means that you may not contact anyone within the County in an attempt to influence a decision about Gray Services' application for a Mom and Pop Grant or its application to become a County vendor. *See* County Ethics Code §2-11.1 (m)(1).

E. Exploitation of Official Position

Finally, the County Ethics Code prohibits County employees from exploitation of their official position. This means that you may not use your County position to secure **special privileges or exemptions** with respect to participating in any grant program or any County contract to which your company is applying. *See* County Ethics Code § 2-11.1(g).

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

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.

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# Employee Search

Select Department

TRANSPORTATION AND PUBLIC WORKS

First Name

Last Name

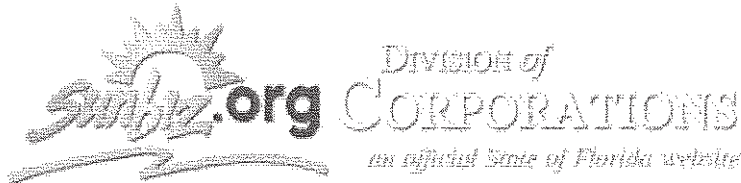
Email Address

Office Phone

Locate Clear

First	Last	Position	Department	Email Address	Phone
DAVID	GRAY	BUS OPERATOR	67		305-638-6045

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## Fictitious Name Detail

### Fictitious Name

DAVID A. GRAY

### Filing Information

**Registration Number** G18000014704  
**Status** ACTIVE  
**Filed Date** 01/26/2018  
**Expiration Date** 12/31/2023  
**Current Owners** 1  
**County** MIAMI-DADE  
**Total Pages** 1  
**Events Filed** NONE  
**FEI/EIN Number** 47-5176577

### Mailing Address

345  
MIAMI GARDENS, FL 33056-102

### Owner Information

GRAY, DAVID A  
 3450 NW 213TH ST  
 MIAMI GARDENS, FL 33056  
**FEI/EIN Number:** NONE  
**Document Number:** NONE

### Document Images

01/26/2018 -- Fictitious Name Filing

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# Employee Search

Select Department

TRANSPORTATION AND PUBLIC WORKS

First Name

Last Name

Email Address

Office Phone

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Locate Clear

First	Last	Position	Department	Email Address	Phone
DAVID	GRAY	BUS OPERATOR	67		305-638-6045

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