

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, January 29, 2019 2:22 PM
To: Francois, Kenny (CAHSD)
Cc: District2 (DIST2); Sanchez, Rodzandra (COE)
Subject: FW: INQ 19-07, Kenny Francois, Disabled Services Specialist, CAHSD (Mom and Pop Grant and Limitations on Contracting with the County)
Attachments: INQ 19-07 Francois.pdf; Sunbiz- CTPEGgoty.pdf; Francois -Request for opinion for Mom and Pop Grant.pdf; Francois- Register as county vendors applic.pdf

Dear MR. Francois:

Attached please find the opinion sent to you earlier. Due to computer problems, certain scriveners' errors remained in the opinion. Attached is the corrected opinion.

Please contact me if you have any further questions.

regards,

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, January 29, 2019 11:41 AM
To: Peggoty C Francois <cleanuptimepeggotyservices@gmail.com>; Francois, Kenny (CAHSD) <Kenny.Francois@miamidade.gov>
Cc: Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>; District2 (DIST2) <District2@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>
Subject: INQ 19-07, Kenny Francois, Disabled Services Specialist, CAHSD (Mom and Pop Grant and Limitations on Contracting with the County)

Dear Mr. Francois,

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance. Attached is INQ 19-07 and its supporting documentation addressing your question. Please do not hesitate to contact me if you need further assistance.

Cordially,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
gdiazgr@miamidade.gov
www.facebook.com/MiamiDadeEthics

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MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

19 West Flagler Street, Suite 820 □ Miami, Florida 33130
Phone: (305) 579-2594 □ Facsimile: (305) 579-0273
Website: ethics.miamidade.gov

MEMORANDUM

TO: Kenny Francois, Disabled Service Specialist, Community Action and Human Services Department

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

SUBJECT: INQ 19-07

DATE: 1-29-19

CC: All COE Legal Staff; Office of Commissioner Jean Monestime, District 2

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 Community Action and Human Services Department (CAHSD) as a Disabled Services Specialist. You would like to apply for a Mom and Pop Grant for your privately-owned company, Clean Up Time Peggoty Services, LLC (“CT Peggoty”). Mom and Pop Grants are funded by Miami-Dade County and are distributed by the Commission offices of the 13 County Districts. CT Peggoty is applying for a Mom and Pop Grant funded through Commissioner Jean Monestime’s District 2 Office. You would also like CT Peggoty to apply to become a County vendor

Issue:

Whether the County Ethics Code would prevent your privately-owned company, CT Peggoty, 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 CT Peggoty, 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, CT Peggoty may ***accept the Mom and Pop Grant***, as long as CAHSD which employs you, is not involved in any way in processing or administering 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 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, CT Peggoty, 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 CT Peggoty. Additionally, none of your job responsibilities and 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 CT Peggoty shall not enter into contracts with the CAHSD Department.

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 CT Peggoty's 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.



Miami-Dade County
Community Action & Human Services Department
Elderly & Disability Services Division
Disability Services and Independent Living (DSAIL)

FAX

This FAX may contain privileged information regarding consumer care. As such, recipient is requested to take appropriate care in its distribution to the intended individual.

Date: 1-23-19

To: ETHCES

From: KENNY FRANCIS for CT PEGGOTY SERVICES (CTPS)

Phone: 305-547-5444

Fax: 305-547-7355

Pages: 2

COMMENTS

PLEASE PROVIDE a letter of opinion for the MOM and POP Grant
which deadline to submit for grant is 01-28-19.
an email can be sent also for my file purposes at
CLEAN UP TIME PEGGOTY SERVICES @ GMAIL.COM.

I can be contacted at 786-716-7828.

Thank you
Kenny Francis

Request for Opinion from Commission on Ethics Acquiring Financial Interest

I, Kenny Francis, the owner or president of
(Owner or President Name)

(CTPS) CLEANUP TIME PEGGOTY SERVICES, whose business address is
(Business Name)

9404 NW 31ST AVENUE SUITE A, MIAMI FL 33147,
(Business Address, City, State, Zip)

305-697-0061 or 786-716-7828 CLEANUP TIME PEGGOTY SERVICES @ GMAIL.COM
(Phone #) (Email)

Include a short description of the type of business operating CLEANING SERVICES

RESIDENTIAL AND COMMERCIAL, LAUNDRY (PICK UP AND DROP OFF, YARD CLEANING)

Are you currently an employee or board member of any Miami Dade County Board?
Yes No

If yes, what Department or Board? (CAHSD) COMMUNITY ACTION AND HUMAN SERVICES

If yes, are you seeking to contract with Miami Dade County? Yes No:

I am being considered for funding through the Mom and Pop Small Business Grant Program and request the clearance from the Commission on Ethics. Please review my request and forward to Neighbors And Neighbors Association, Inc. to the attention of Leroy Jones, Executive Director, 5120 NW 24th Ave, Miami, FL 33142 or fax (305) 756-6008. Thank you in advance for your attention to this very important matter.

Commissioner Jean Monestime
111 NW 1st Street
Miami, FL 33128

This page must be completed.



COUNTY EMPLOYEES WISHING to REGISTER as COUNTY VENDORS

Please submit the following information by mail, fax, or email to:

The Commission on Ethics & Public Trust
19 West Flagler St., Suite 820
Miami, FL 33130

Phone: (305) 579-2594
Fax: (305) 579-0273
Email: ethics@miamidade.gov

Employee's Name KENNY FRANCOIS
Employee's Dept. (CAHSD) COMMUNITY ACTION AND HUMAN SERVICES
Business Name CT PEGGOTY SERVICES LLC
Type of Business CLEANING
Employee's Mailing Address 9404 NW 31ST AVENUE SUITE A, MIAMI FLORIDA 33147
Employee's Daytime Phone 786-716-7828 305-547-5444
Employee's Preferred Email CLEANUP TIME PEGGOTY @ GMAIL.COM

Immediate Family
Members

(Please list the names, titles, and departments of any immediate family members currently employed by Miami-Dade County)

The Miami-Dade County Conflict of Interest & Code of Ethics at §2-11.1(c)(2) allows County employees to contract with the County in certain circumstances and if the following criteria are met. Please confirm that you will be able to meet all of these criteria:

1. Entering into a contract with the County will not interfere with the full and faithful discharge of my duties to the County.
2. I will not participate in determining the contract requirements.
3. I will not participate in awarding the contract.
4. My job responsibilities and job description will not require me to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination, or forbearance.
5. I will not be working in the County department that enforces, oversees, or administers the contract.

I have read these requirements and pledge to abide by them.

Kenny Francois
Signature

1-23-2019
Date

Your ethics opinion will be sent to you by first class mail & email, unless you request another type of delivery.

Detail by Entity Name

Florida Limited Liability Company
CTPEGOTTY SERVICES LLC

Filing Information

Document Number L18000085641
FE/EIN Number 82-4693306
Date Filed 04/04/2018
Effective Date 03/31/2018
State FL
Status ACTIVE

Principal Address

9404 NW 31ST AVENUE (SUITE A)
MIAMI, FL 33147

Changed: 01/09/2019

Mailing Address

9404 NW 31ST AVENUE (SUITE A)
MIAMI, FL 33147

Changed: 01/09/2019

Registered Agent Name & Address

FRANCOIS, KENNY
20701 NW 17TH AVE
304
MIAMI GARDENS, FL 33056

Authorized Person(s) Detail

Name & Address

Title MGR

FRANCOIS, PEGGOTY C
20701 NORTH WEST 17TH AVE APT 304
MIAMI GARDENS, FL 33056

Title MGR

FRANCOIS, KENNY
20701 NORTH WEST 17TH AVE APT 304
MIAMI GARDENS, FL 33056

...&searchNameOrg