

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, January 30, 2019 1:36 PM
To: Linder, Eureka (Aviation); eurekaeventdecor@gmail.com
Cc: Arrojo, Jose (COE); District3; Murawski, Michael P. (COE); Perez, Martha D. (COE); Turay, Radia (COE); Campos, Evelyn (Aviation); Sanchez, Rodzandra (COE)
Subject: INQ 19-09, Eureka Linder, Airport Capital Inventory Clerk, MDAD (Mom and Pop Grant)
Attachments: INQ 19-09 Linder.pdf

Dear Ms. Linder:

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance. Attached is INQ 19-09 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



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MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Eureka Linder, Airport Capital Inventory Clerk, Miami-Dade Aviation Department

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

SUBJECT: INQ 19-09

DATE: 1-30-19

CC: All COE Legal Staff; Office of Miami-Dade Commissioner Audrey M. Edmonson, District 3; Evelyn Campos, Division Director of Professional Compliance, Miami-Dade Aviation Department

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 Aviation Department (MDAD) as an Airport Capital Inventory Clerk. You would like to apply for a Mom and Pop Grant for your privately-owned business, "Eureka Events and Décor" (Eureka Events). Mom and Pop Grants are funded by Miami-Dade County. Neighbors and Neighbors Association, a not-for-profit organization, administers and makes recommendation 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. Eureka Events is applying for a Mom and Pop Grant funded through Commissioner Audrey M. Edmonson's District 3 Office.

Issue:

Whether the County Ethics Code would prevent your privately-owned company, Eureka Events, from accepting a Mom & Pop Grant.

Discussion and Opinion

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

A. Outside Employment

Work conducted for Eureka Events, 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 her outside employment and in her County job or when she uses the same or similar resources in her outside employment as she 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 be advised 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 department director 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, Eureka Events may *accept the Mom and Pop Grant*, as long as MDAD 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. Lobbying

Furthermore, 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 Eureka Events' application for a Mom and Pop Grant. *See* County Ethics Code §2-11.1 (m)(1).

D. 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 the Mom and Pop Grant to which you are 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.