



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Johnson Louis, Budget Analyst 1, Miami-Dade Board of County Commissioners' Budget Auditor's Office

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

SUBJECT: INQ 20-21

DATE: 3-11-20

CC: All COE Legal Staff; Office of Commissioner Jean Monestime, District 2; Victoria Goss, Training Coordinator, Neighbors and Neighbors Association; Evelyn Avila, Budget Manager, Office of the Board of County Commissioners 'Auditor

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 Board of County Commissioner's Office of the Commission Auditor ("BCC OCA") as a Budget Analyst 1. You would like to apply for a Mom and Pop Grant for your privately-owned company, JLouis Dry Cleaner ("JLDC"). 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 County Districts to businesses that meet the requirements of the grants. JLDC is applying for a Mom and Pop Grant funded through Miami-Dade Commissioner, Jean Monestime's District 2 Office. The BCC OCA has access to the BCC's financial systems and oversight responsibilities over county operations and fiscal management which would

include research and financial analysis related to the Mom and Pop Grant program upon request by the BCC or any of its members.

Issue:

Whether the County Ethics Code would prevent your privately-owned company, JLDC, 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 JLDC, 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 yearly from your department Director. Given that you are a full-time employee, you **must also** file the related outside employment financial disclosure form, the [Outside Employment Statement](#) yearly.

B. Mom and Pop Grant

County Ethics Code Section 2-11.1(c)(2) prohibits County employees from contracting with Miami-Dade County or any person or agency acting for Miami-Dade County, if the employee works in the County department which will enforce, oversee or administer the subject contract. The BCC OCA which employs you has access to the BCC's financial systems and oversight responsibilities over County operations and fiscal management which include the

Mom and Pop Grant. Furthermore, your job duties would provide you access to all financial systems which the BCC OCA oversees including matters related to the Mom and Pop Grant. Consequently, with respect to your application for a Mom and Pop Grant funded by the BCC's District 2 office, your company, JLDC **may not accept a Mom and Pop Grant.** See County Ethics Code §§ 2-11.1 (c) and (n).

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.