



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Sheeniqua Pouncy, Patient Finance Specialist, Jackson Health Systems/Public Health Trust (JHS/PHT)

FROM: Radia Turay, Staff Attorney
Commission on Ethics

SUBJECT: INQ 20-22

DATE: March 12, 2020

CC: All COE Legal Staff; Office of the Miami-Dade Commissioner Barbara Jordan, District 1; Victoria Goss, Training Coordinator, Neighbors and Neighbors Association

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding Miami-Dade County/Jackson Health Systems-Public Health Trust (“JHS”) employees applying for Mom and Pop Grants which are funded by Miami-Dade County.

Facts:

You are employed as a Patient Finance Specialist at JHS. You would like to apply for a Mom and Pop Grant for your privately-owned company, Eyekween LLC. (“Eyekween”). Eyekween provides beauty enhancements for eyebrows and eyelashes, which appears to be unrelated to the Ms. Pouncy’s position as a patient finance specialist at JHS. The company does not do any business with JHS.

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. Eyekween is applying for a Mom and Pop Grant funded through Miami-Dade Commissioner Barbara Jordan’s, District 1 Office.

Issue:

Whether the County Ethics Code would prevent your privately-owned company, Eyekween, 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 Eyekween, your privately-owned business, constitutes outside employment. The County Ethics Code prohibits County/JHS employees from engaging in conflicting outside employment. Conflicting employment is sometimes created when a County/JHS employee comes in contact with the same or similar people or entities in both his outside employment and in his County/JHS job or when the employee uses the same or similar resources in his or her outside employment as he or she uses in his County/JHS work. Also note that you may not use County/JHS 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

Once you have been granted permission to engage in outside employment, your company, Eyekween may accept the Mom and Pop Grant, as long as the JHS Department which employs you, is not involved in any way in processing or administering 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

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 Eyekween's 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/JHS employees from exploitation of their official position. This means that you may not use your County/JHS position to secure special privileges or exemptions with respect to participating in any grant program 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.