



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Jeffrey Townsley
Department of Transportation and Public Works

Lawrence E. Gunn, Sr.
Department of Transportation and Public Works

FROM: Loressa Felix, Staff Attorney
Commission on Ethics

SUBJECT: INQ 2021-63

DATE: April 9, 2021

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding County employees applying for a grant through the Small Business Capitalization Program which are funded by Miami-Dade Economic Advocacy Trust (MDEAT).

Facts:

You and Mr. Gunn are both employed by the Miami-Dade County Department of Transportation and Public Works (DTPW) as bus operators. You would like to apply for a grant in the amount of \$2,500 through the Small Business Capitalization Program for your privately-owned company, Sam's Car Care (Sam's). This grant is funded by MDEAT. MDEAT announced the availability of grants through its Small Business Capitalization Program for small to medium minority businesses in the South Dade and North Dade areas in the amount of \$2,500.00 to improve or stabilize neighborhood businesses throughout the Target Urban Areas (TUAs) and Corridors. The MDEAT Evaluation/Selection Committee will rate and rank the applications, selecting the top 8 applicants from the North and the top 8 from the South. MDEAT has allocated \$40,000.00 to this grant process to be evenly divided between the north and south small business areas in Miami-Dade County. Sam's is applying for one of the available grants.

Issue:

Whether the County Ethics Code would prevent your privately-owned company, Sam's, from applying for and accepting the MDEAT grant.

Discussion and Opinion

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

A. Outside Employment

Work conducted for Sam's, 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 memorandum 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, Sam's may **accept the MDEAT grant, as long as DTPW 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 Sam's application for a MDEAT 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 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.