



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

Overtown Transit Village North
701 Northwest 1st Court · 8th Floor · Miami, Florida 33136
Phone: (305) 579-2594 · Facsimile: (305) 579-0273
Website: ethics.miamidade.gov

MEMORANDUM

TO: Marc Starkey
Correctional Counselor 1
Miami-Dade Corrections and Rehabilitation

FROM: Loressa Felix, Staff Attorney
Commission on Ethics

SUBJECT: INQ 2022-18, Transacting with the County, Section 2-11.1(c), County Ethics Code

DATE: February 17, 2022

CC: All COE Legal Staff; Office of the Miami-Dade Commissioner Oliver G. Gilbert, III, 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 County employees applying for Mom and Pop Grants which are funded by Miami-Dade County.

Facts:

You are employed by Miami-Dade Corrections and Rehabilitation as a Correctional Counselor. You would like to apply for a Mom and Pop Grant for your privately-owned company, Just Right Party Rentals LLC (Just Right), which provides party rental equipment such as tents, tables, chairs, centerpieces, linens and other items for public and private events.

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; and funds are distributed by the Commission offices of the 13 County Districts to businesses that meet the requirements of the grants. Just Right is applying for a Mom and Pop Grant funded through Miami-Dade Commissioner Oliver G. Gilbert, III's District 1 Office.

Issue:

Whether the County Ethics Code would prevent your privately-owned company, Just Right, from applying for and accepting a Mom & Pop Grant.

Discussion and Opinion

While you are not prohibited from applying for a Mom & Pop grant from the County, your inquiry involves several sections of the County Ethics Code which are analyzed below:

A. Outside Employment

Work conducted for Just Right, 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

Once you have been granted permission to engage in outside employment, your company, Just Right may **accept the Mom and Pop Grant**, as long as Miami-Dade Corrections and Rehabilitation, the 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 for the grant. In this case, it means that , while you may submit your application, you may not contact or meet with anyone within the County in an attempt to influence a decision about Just Right'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 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.