



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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

---

### MEMORANDUM

---

**TO:** Rossi Siewnarine  
Section Chief, Small Business Development  
Miami-Dade County Internal Services Department

**FROM:** Etta Akoni, Staff Attorney  
Miami Dade County Commission on Ethics & Public Trust

**SUBJECT:** INQ 2023-17, Section 2-11.1(c), Limitations on Contracting with the County, and Section 2-11.1(j), Conflicting Employment Prohibited.

**DATE:** February 24, 2023

**CC:** All COE Legal Staff; Leroy Jones, Executive Director of Tools for Change;  
William Young, Director of Business Development for Tools for Change

---

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding possible conflicts of interest that could develop from your anticipated application for a “Tools For Change” small business loan from Black Economic Development Coalition, Inc. which does business as Tools for Change (hereinafter referred to as “Tools for Change.”).

#### Facts

Mr. Rossi Siewnarine is employed by the Miami-Dade County Internal Services Department (hereinafter referred to as “ISD”) in the Small Business Development Division (hereinafter referred to as “SBD”) as a Section Chief. His job responsibilities as a ISD SBD Section Chief includes managing and leading staff within Policy and Operations Management (POM) Section of SBD which is comprised of three (3) core teams (Finance-HR-Operations (FHO), Technology-Systems-Data (TSD), and Policy-Boards-Hearings (PBH)) that perform the following duties: Oversight of SBD's budget development, financial monitoring, accounts payable/receivables, HR related matters including, but not limited to, recruitment, re-class, employee development, and division-wide procurement; Collection of County contract awards, prime/subcontractor payments/demographics and maintenance and enhancement of Business Management Workforce System (BMWS); Oversight of appeal, administrative and debarment hearings; Oversight of legislation administered by SBD; and Supervision of three Small Business Advisory Boards and

one Living Wage Advisory Board. Mr. Siewnarine’s ISD SBD position duties do not include any oversight or administration of the “Tools For Change” small business loan program.

Mr. Siewnarine owns and operates a Florida Limited Liability Company named User Xperience Catering, LLC. User Xperience Catering, LLC. was started in January of 2022 and provides catering services weddings, birthday parties, funerals, or any other similar occasions. Mr. Siewnarine does not contract with and does not have any plans to contract with Miami Dade County. Mr. Siewnarine is responsible for all aspects of the organization and operation User Xperience Catering, LLC. Mr. Siewnarine would like to apply for a Small Business Loan for User Xperience Catering, LLC. through Black Economic Development Coalition, Inc. which does business as Tools for Change.

Tools for Change is a non- profit Community Development Financial Institution fund organization that provides small business loans and development services to low-moderate income, minority, veteran owned, woman owned, small businesses and entrepreneurs. The funds for the Tools for Change small business loans originate from the United States Housing and Urban Development Department’s Community Development Block Grant (“CDBG”) program funds through the Miami Dade County Public Housing and Community Development department (“PHCD”). Tools for Change is a recipient of the PHCD CDBG funds, and in turn, Tools for Change use the PHCD CDBG funds to promote and participate in community economic development initiatives targeted to primarily assist low to moderate income black entrepreneurs in Miami Dade County, Florida. Tools for Change is a one stop shop for small business owners, offering a combination of Micro Loans, Small Business Services, Technical Assistance, and business education that is designed to meet all the needs of underserved entrepreneurs.

### Issue

Whether there is a prohibited conflict of interest that would prevent User Xperience Catering, LLC., Mr. Siewnarine’s privately owned business, from accepting a Tools for Change Small Business Loan.

### Analysis

This inquiry involves several sections of the Miami-Dade County Code of Ethics and Conflict of Interest Ordinance (“County Ethics Code”), each of which is analyzed in turn below:

#### A. Outside Employment

Work conducted for User Xperience Catering, LLC. by Mr. Siewnarine constitutes outside employment, as defined by the County Ethics Code. The County Ethics Code prohibits County employees from accepting outside employment, “which would impair his or her independence of judgment in the performance of his or her public duties.” Section 2-11.1(j). Additionally, Miami-Dade County Administrative Order 7-1 provides that, “[u]nder no circumstances shall a County employee accept outside employment . . . where a real or apparent conflict of interest with one’s official or public duties is possible.” Conflicting employment can occur when a County employee encounters the same or

similar persons or entities in both her County and outside employment. County employees may not use County time or resources in the performance of their outside employment. *See* INQ 21-27; INQ 20-21.

Based on the information provided to us at this time, it appears to be unlikely that the type of outside employment that Mr. Siewnarine engages in through User Xperience Catering, LLC. would impair his independence of judgment in the performance of his County duties as a ISD SBD Section Chief.

However, County department directors and their subordinate supervisors have the discretion to deny a request for outside employment if they determine that, at any time, the proposed outside employment would be contrary, detrimental, or adverse to the interests of the County or the employee's department. *See* AO 7-1; RQO 16-02; RQO 00-10; INQ 13-28. **Accordingly, this memorandum does not grant permission to engage in outside employment. Mr. Siewnarine must obtain permission to engage in outside employment yearly from his department director.<sup>1</sup> Given that he is a full-time employee, he must also file an outside employment financial disclosure form – Outside Employment Statement – on an annual basis.**

B. Tools for Change Small Business Loans

With permission to engage in outside employment with User Xperience Catering, LLC., then User Xperience Catering, LLC. **may accept the Tools for Change Small Business Loan**, so long as ISD is not involved in any way in processing or administering the loan. This includes the condition that Mr. Siewnarine may not participate in determining or awarding the underlying CDBG grants to and from Miami Dade County as well as the subsequent loans from the CDBG grant recipients. Additionally, none of his job responsibilities or job descriptions may require him to be involved in the CDBG grants or the Tools for Change Small Business Loan in any way, including enforcement, oversight, administration, amendment, extension, termination, or forbearance. *See* County Ethics Code §§ 2-11.1(c), (n).

C. Lobbying

Mr. Siewnarine may not lobby the County. In this case, it means that Mr. Siewnarine may not contact anyone within the County in an attempt to influence a decision about User Xperience Catering, LLC.'s application for a Tools for Change Small Business Loan. *See* County Ethics Code § 2-11.1(m)(1).

D. Exploitation of Official Position

---

<sup>1</sup> A records check reflects that Mr. Siewnarine has received approval for his outside employment with User Xperience Catering, LLC. for the 2022 and 2023 calendar year.

The County Ethics Code prohibits County employees from exploitation of their official position. *See* County Ethics Code § 2-11.1(g). This means that Mr. Siewnarine may not use his County position to secure any special privilege or exemption with respect to User Xperience Catering, LLC.'s application to, and ultimate participation in, the Tools for Change Small Business Loan program, CDBG grant program, or to any other grant program to which User Xperience Catering, LLC. or Mr. Siewnarine is applying.

### Opinion

Based on the facts presented here and discussed above, User Xperience Catering, LLC.'s participation in the Tools for Change Small Business Loan program **does not appear to give rise to any prohibited conflict of interest.**

This opinion is limited to the facts as presented to the Commission on Ethics and to an interpretation of the County Ethics Code only. For an opinion regarding Florida ethics law, please contact the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317, phone number (850) 488-7864, <http://www.ethics.state.fl.us/>.

We appreciate your consulting with the Commission in order to avoid possible prohibited conflicts of interest. If the facts associated with your inquiry change, or if there are any further questions, please contact us for additional guidance.

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 Commission on Ethics 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.