



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Geraldine Lazarre, Chair  
JHS/PHT General Obligation Bond Citizen's Advisory Committee

**FROM:** Loressa Felix, Staff Attorney  
Commission on Ethics and Public Trust

**SUBJECT:** INQ 2023-19, Transacting with the County, Section 2-11.1(c), County Ethics Code

**DATE:** March 1, 2023

**CC:** All COE Legal Staff; Office of the Miami-Dade Commissioner Marleine Bastien, District 2; Victoria Goss, Training Coordinator, Neighbors and Neighbors Association

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Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding County board members applying for Mom and Pop grants which are funded by Miami-Dade County.

Facts:

You serve as the Chair of the JHS/PHT General Obligation Bond Citizen's Advisory Committee. The advisory committee was established to advise the Board of County Commissioners, the Public Health Trust, and the Mayor regarding Jackson Health System's General Obligation Bond Program, including the Miracle Building Bond Program projects. The advisory committee's duties and responsibilities include the review of performance and program achievements related to the Bond Program; review of status and overview of current and future projects; review and approval of quarterly reports; review and approval or construction projects funded under the Miracle Building Bond Program; and participation in outreach efforts relating to JHS capital projects funded in whole or in part with Bond Program funds. JHS/PHT General Obligation Bond Citizen's Advisory Committee is not involved with the administration of Mom and Pop grants nor does it have any authority over the Mom and Pop grant program.

You are also principal and owner of TriMerge Consulting Group, P.A. (TriMerge), a Florida company which provides accounting and tax services. Your company would like to apply for a Mom and Pop Grant.

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 thirteen (13) County Districts to businesses that meet the requirements of the grants. TriMerge is applying for a Mom and Pop Grant funded through Miami-Dade Commissioner Marleine Bastien's District 2 Office.

Issue:

Whether the County Ethics Code would prevent your privately-owned company, TriMerge, from accepting a Mom & Pop Grant funded through the District 2 Office.

Discussion and Opinion

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

A. Mom and Pop Grant

Section 2-11.1(c)(3) of the County Ethics Code generally permits County board members to transact business with the County either individually or through the board member's firm. However, pursuant to this section, County board members are prohibited from contracting with any County agency or department subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the board of which the person is a member.

In this instance, the board on which you serve, JHS/PHT General Obligation Bond Citizen's Advisory Committee, is not involved in any way in processing or administering the Mom and Pop grants. Consequently, TriMerge may accept this grant.

B. Actions Prohibited where Financial Interests Involved and Exploitation of Official Position

The County Ethics Code prohibits a County board member from exploitation of their official position and from participating in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest. This means that you may not contact anyone within the County (or anyone working on behalf of the County) in an attempt to influence his/her decision about the grant; and you may not use your County position to secure special privileges or exemptions with respect to participating in the Mom and Pop Grant to which you are applying. *See* County Ethics Code §§2-11.1(g) 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.