



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Jennifer Torres, Eligibility Interviewer
Miami-Dade Community Action and Human Services Department

FROM: Nolen Andrew Bunker, Staff Attorney
Miami-Dade Commission on Ethics and Public Trust

SUBJECT: INQ 2025-09; Section 2-11.1(c), Prohibition on transacting business with the County.

DATE: January 28, 2025

CC: COE Legal Staff; Letah Parrish, Family and Community Services Division Director, Miami-Dade Community Action and Human Services Department; Stephanie Davis, Eligibility Supervisor, CAHSD; Cassie Maura-Rahming, Eligibility Supervisor, CAHSD.

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust (“Ethics Commission”) to request our guidance regarding your ability to participate in a program administered by the Miami-Dade Community Action and Human Services Department (“CAHSD”).

Facts

You are employed by CAHSD as an Eligibility Interviewer. Your job duties generally include interviewing CAHSD clients, determining their eligibility to participate in the Low-Income Home Energy Assistance Program (“LIHEAP”),¹ and then completing and/or processing the applications of those individuals to participate in said program. You advised that you currently work at CAHSD’s Florida City/Homestead Community Resource Center.

¹ The LIHEAP is a federally funded program administered by CAHSD that financially assists low-income households in paying for cooling or heating, providing eligible households up to \$2,000.00 over a twelve-month period. *Low Income Home Energy Assistance Program (LIHEAP)*, LIGHT BILL ASSISTANCE, https://www.miamidade.gov/global/service.page?Mduid_service=ser150420_4216164378 (last visited January 27, 2025).

You are seeking to participate in the LIHEAP. Your CAHSD job duties, as described above, include administrative duties related to CAHSD's operation of the LIHEAP.

Issue

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance ("County Ethics Code") would prevent you from contracting or otherwise doing business with CAHSD to participate in the LIHEAP.

Discussion

Generally, sections 2-11.1(c) and (d) of the County Ethics Code permit County employees and their immediate family members to transact business with the County, so long as the contract does not interfere with the full and faithful discharge of the County employee's duties, the County employee does not participate in negotiating or awarding the contract, and the County employee's job duties will not require him or her to be involved with enforcing or overseeing the contract. *See, e.g.,* RQO 00-13 (an employee of the Public Health Trust/Jackson Health System could contract with the then-extant Miami-Dade Housing Agency to provide Section 8 housing without giving rise to a prohibited conflict of interest).

However, the County Ethics Code generally prohibits a County employee and his or her immediate family members from transacting business with the County department for which the County employee works. *See* County Ethics Code § 2-11.1(c)(2). Specifically,

except as provided in subsection (c)(6) below, . . . [the limited exclusion from the general prohibition on County employees contracting with the County] shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County, if the employee works in the county department which will enforce, oversee or administer the subject contract.

Id.

Section 2-11.1(c)(6) of the County Ethics Code provides that, when a County employee administers a housing or other assistance program to which he or she wishes to apply, then appropriate mitigation measures by the employing County department must be delineated and implemented before said employee can receive the benefit of the program. Employees in this situation may proceed with an application for assistance **only after** the Ethics Commission has found the employing County department's mitigation plan "sufficient to abate the potential conflict of interest" and said plan must include the removal of the employee "from participation in the administration of the program as regards his or her application." County Ethics Code § 2-11.1(c)(6).

CAHSD has crafted and implemented a Procedural Memorandum entitled “Serving Employees and Family Members – Section XVI” that establishes specific mitigation measures to abate potential conflicts of interest related to eligible CAHSD staff and their family members applying to participate in a program administered by CAHSD. Specifically, CAHSD’s policy provides that, in addition to complying with all established intake and assessment processes:

2. . . . A client case file shall be established in every instance that an individual staff person requests services from and/or participation in CAHSD programs.

. . . .

5. In the event that the services requested require the disbursement of program funds . . . either directly to or on behalf of the individual/staff person, the unit supervisor must arrange a face-to-face staffing with the appropriate division director to staff the case within one (1) working day.

6. The Division Director shall be responsible for reviewing the case to ensure eligibility; compliance with funding and/or program mandates; and for documenting in the case file his/her review and subsequent approval/disapproval.

(emphasis in original).

Your employment as an Eligibility Interviewer with CAHSD requires you to participate in the administration of the LIHEAP because you process applications and determine eligibility for LIHEAP. However, CAHSD has delineated and implemented a conflict of interest mitigation policy to screen you from participation in the administration of your own application for assistance. Furthermore, in discussion with your direct supervisor, Ms. Stephanie Davis, she advised that your application to participate in the LIHEAP will not be processed at the Florida City/Homestead Community Resource Center, which is where you work. Rather, you are required to submit your application at a different location. You advised that you intend to submit your application to participate in the LIHEAP at the Naranja Community Resource Center. In discussion with the supervisor of that Community Resource Center, Ms. Cassie Maura-Rahming, she advised that she will conduct the intake of your application to participate in the LIHEAP and then, per CAHSD policy, she will staff your application with Division Director Parrish, who will ultimately make the eligibility determination. Accordingly, in light of CAHSD’s policy screening employees from participating in the processing and administration of their own applications for assistance, and the explanations of Ms. Davis and Ms. Maura-Rahming regarding how that policy will be implemented in your specific case, **we find that the mitigation plan is sufficient to abate the potential conflict of interest.** See County Ethics Code § 2-11.1(c)(6); INQ 24-127 (finding CAHSD’s mitigation plan sufficient to abate the potential conflict of interest of an Eligibility Interviewer applying to participate in the LIHEAP).

Opinion

After reviewing the facts presented to us, for the reasons discussed above we conclude that **you, Ms. Jennifer Torres, may apply and contract or otherwise do business with CAHSD to participate in the Low-Income Home Energy Assistance Program**, provided that both you and CAHSD abide by the conflict mitigation plan adopted by CAHSD, that you are otherwise removed from participation in the administration of the program as to your application, and provided that you are otherwise eligible to participate in the program. *See* County Ethics Code § 2-11.1(c)(6); INQ 24-127.

Additionally, the County Ethics Code prohibits County employees from the exploitation of their official position. This means that you may not use your County position to secure special privileges or exemptions with respect to your participation in the LIHEAP or any other County program to which you are applying. *See* County Ethics Code § 2-11.1(g).

This opinion is limited to the facts as you presented them to the Ethics Commission regarding conflicts under Sections 2-11.1(c) and (d) of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance only. Based on directives from the department that employs you or under state law, other conflicts may apply. If you have additional questions regarding possible conflicts based on your County department directives, contact your department supervisor or the Mayor's Office. 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/>.

Please submit this opinion to the Miami-Dade Community Action and Human Services Department for inclusion in your file. The Ethics Commission does not submit this memorandum on your behalf.

INQs are informal opinions provided by the legal staff after review and approval by the Executive Director and/or General Counsel. INQs deal with opinions previously addressed in public session by the Miami-Dade Commission on Ethics and Public Trust or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Ethics Commission when the subject matter is of great public importance or where there is insufficient precedent. While this is an informal opinion, covered parties that act contrary to this opinion may be subject to investigation and a formal Complaint filed with the Ethics Commission.