



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Alberte Williams, HR Finance Specialist
Miami-Dade People and Internal Operations Department

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

SUBJECT: INQ 2025-16, Section 2-11.1(c), Prohibition on transacting business within the County; and Section 2-11.1(j), Conflicting employment prohibited.

DATE: February 26, 2025

CC: All COE Legal Staff; Office of 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 possible conflicts of interest concerning you, a County employee, applying for a Mom and Pop Small Business Grant funded by Miami-Dade County.

Facts

You, Mr. Alberte Williams, are employed by the Miami-Dade People and Internal Operations Department (“PIOD”) as an HR Finance Specialist. Your job duties primarily involve reviewing payments and invoices from various agencies, submitting invoices for payment, and reconciling unemployment and wellness incentives on a quarterly basis.

You own and operate two Florida limited liability companies: 1) AW Tax and Financial Services LLC (“AW Tax”), and 2) Expressease Delivery LLC (“Expressease”). You are the sole owner of both companies. AW Tax provides tax preparation and bookkeeping services. Expressease operates through Amazon.com, sells beauty products, and is operated with the contracted assistance of a remote assistant. You would like to apply for a Mom and Pop Small Business Grant for both companies through Miami-Dade Commissioner Oliver G. Gilbert, III’s District 1 Office.

The Mom and Pop Small Business Grant program is funded by Miami-Dade County. The Neighbors and Neighbors Association, a Florida not-for-profit organization, administers and

makes recommendations regarding the Mom and Pop Grant applications; funds are distributed to qualifying businesses by the thirteen County Commission district offices.

Issue

Whether there is a prohibited conflict of interest that would prevent AW Tax or Expressesease, Mr. Williams' privately owned businesses, from accepting a Mom and Pop Small Business Grant.

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

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." County Ethics Code § 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." Outside employment is considered "any non-County employment or business relationship in which the County employee provides a personal service to the non-County employer that is compensated or customarily compensated." RQO 17-03. Several factors are considered to determine whether a potential conflict of interest exists between an individual's County position and his or her outside employment. *See* RQO 17-01; INQ 21-66.

You have previously sought an ethics opinion regarding receiving a Mom and Pop Small Business Grant on behalf of AW Tax and we determined that you did not have a conflict of interest that prohibited you from engaging in outside employment as the owner and operator of a tax filing and financial services company. *See* INQ 23-16; *see also* INQ 24-110 (concluding that you did not have a conflict of interest in engaging in your outside employment with AW Tax).

Here, based on the information provided to us at this time, the work that you conduct for and through AW Tax and Expressesease constitutes outside employment and does not appear likely to impair your independence of judgment in the performance of your County duties as an HR Finance Specialist for PIOD. *See* RQO 17-03; RQO 17-01; INQ 23-16. This is because there does not appear to be any overlap between your public duties and your outside employment as the owner and operator of both AW Tax and Expressesease.

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. You must obtain permission to engage in outside employment yearly from your department director.¹ Given that you are a full-time employee, you must also file an outside employment financial disclosure form – Outside Employment Statement – on an annual basis with the Miami-Dade Commission on Ethics and Public Trust (“Ethics Commission”).²

B. Mom and Pop Small Business Grant

Upon obtaining permission to engage in outside employment with AW Tax and Expresease, either or both AW Tax and Expresease **may accept the Mom and Pop Small Business Grant**, so long as PIOD is not involved in any way in processing or administering the grant. This includes the condition that you, Mr. Williams, may not participate in determining or awarding the grants. Additionally, none of your job responsibilities or job descriptions may require you to be involved in the grants in any way, including enforcement, oversight, administration, amendment, extension, termination, or forbearance. *See* County Ethics Code §§ 2-11.1(c), (n).

C. Lobbying

You, Mr. Williams, may not lobby the County. Here, it means that you may not contact anyone within the County in an attempt to influence a decision about your application on behalf of AW Tax and Expresease for a Mom and Pop Small Business Grant. *See* County Ethics Code § 2-11.1(m)(1).

D. Exploitation of Official Position

The County Ethics Code prohibits County employees from exploiting their official position. *See* County Ethics Code § 2-11.1(g). This means that you, Mr. Williams, may not use your County position to secure any special privilege or exemption with respect to AW Tax’s or Expresease’s application to, and ultimate participation in, the Mom and Pop Small Business Grant program, or to any other grant program to which you or either company is applying.

Opinion

Based on the facts presented here and discussed above, your and/or AW Tax’s and/or Expresease’s participation in the Mom and Pop Small Business Grant program **does not appear to give rise to any prohibited conflict of interest.**

¹ A records check reflects that you submitted a request and received approval to engage in your above-discussed outside employment in 2024. You are reminded that you must do so again this calendar year and on an annual basis thereafter.

² You can find the required form online at: <https://documents.miamidade.gov/ethics/outside-employment/outside-employment-statement.pdf>.

This opinion is based on the facts presented. If these facts change, or if there are any further questions, please contact the above-named Staff Attorney.

This opinion is limited to the facts as presented to the Ethics Commission 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/>.

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.