



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Dr. Yuleisy Mena, Board Member
Miami-Dade Community Relations Board

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

SUBJECT: INQ 2025-24; Section 2-11.1(j), Conflicting employment prohibited; Section 2-11.1(v), Voting Conflicts; and Section 2-11.1(g), Exploitation of official position prohibited.

DATE: March 11, 2025

CC: All COE Legal Staff; Alexandre Pacheco, Contracts Officer, Miami-Dade Office of Management and Budget

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding possible conflicts of interest concerning your employer's application for a grant funded by Miami-Dade County.

Facts

You, Dr. Yuleisy Mena, are a Board Member of the Miami-Dade Community Relations Board ("CRB"). The CRB advises the Miami-Dade County Board of County Commissioners ("BCC"), as well as the Miami-Dade County Mayor and her administration, on issues impacting intergroup relations in order to foster mutual understanding, tolerance, and respect.¹ The CRB's self-described mission is to intervene and contain community tensions, with the secondary mission to identify and relieve intergroup conflicts and develop bridges of understanding to foster mutual respect.²

You advised that you are the Executive Director of the Bay of Pigs Museum and Library of the "2506 Brigade", Inc. ("the Museum"), which is a Florida not-for-profit corporation. The Museum's self-described mission is to maintain and strengthen the unity among 2506 Brigade

¹ See *History*, COMMUNITY RELATIONS BOARD, <https://www.miamidade.gov/global/government/boards/community-relations-board.page> (last visited Mar. 6, 2025).

² See *Mission*, COMMUNITY RELATIONS BOARD, <https://www.miamidade.gov/global/government/boards/community-relations-board.page> (last visited Mar. 6, 2025).

veterans and to pursue the values of democracy, justice, individual liberty, and respect for human rights.³ You advised that, as Executive Director, you act as an agent, but not an officer, of the Museum, because the organization also has a President/Chairman. You further advised that you are responsible for administering the day-to-day operations of the Museum, and that you are compensated for your position.

You advised that the Museum is in the process of receiving \$2.1 million in grant funding from Miami-Dade County. A portion of this funding – \$1.1 million – was awarded to the Museum as an allocation of surplus funds from the Building Better Communities General Obligation Bond (“BBC GOB”) Program. *See* Miami-Dade County Resolution R 649-24. The remaining funds were allocated by the Miami-Dade Board of County Commissioners from the County’s general funds. *See* Miami-Dade County Ordinance 24-102. You further advised that the grant funds are disbursed to the Museum via a reimbursement process whereby the Museum expends funds and then requests reimbursement.

Mr. Alexandre Pacheco, a Contracts Officer with the Miami-Dade Office of Management and Budget (“OMB”) further advised that OMB is responsible for administering the grant funds and processing the reimbursement requests, with both the Miami-Dade Strategic Procurement Department and the Miami-Dade Finance Department playing roles in disbursement of the funds. He further advised that he does not interact with the CRB in administering the grant award to the Museum.

You advised that your County duties as a CRB Board Member do not involve administration or enforcement of the BBC GOB Program generally or of the award of these grants specifically.

Issue

Whether there is a prohibited conflict of interest that would prevent you from serving on the Miami-Dade Community Relations Board in light of the County’s award of grant funding to the Museum, your private employer.

Analysis

As a preliminary matter, under the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, you are considered County advisory personnel because of your position as a CRB Board Member. *See* County Ethics Code § 2-11.1(b)(4). As a result, this inquiry involves several sections of the County Ethics Code, each of which is analyzed in turn below:

A. Section 2-11.1(j) – Conflicting Employment

County advisory personnel are prohibited from accepting other employment which would impair their independence of judgment in the performance of their County duties. *See* County Ethics Code § 2-11.1(j). Outside employment is considered “any non-County

³ *See Our Mission*, BAY OF PIGS BRIGADE 2506 MUSEUM, <https://www.bayofpigsbrigade2506.com/what-we-do> (last visited Mar. 6, 2025).

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. Generally, uncompensated work for a traditional nonprofit entity is not considered outside employment. *Id.* However, County personnel who have “significant managerial responsibilities or working time commitments” with a nonprofit entity could be considered to be engaging in outside employment. *Id.*

In practice, a Board Member of the Miami-Dade County Addiction Services Board (“ASB”) could engage in outside employment as a Grant Reviewer for the Substance Abuse and Mental Health Services Administration (“SAMHSA”) without giving rise to a prohibited conflict of interest because, even though the County received a large amount of grant funding from SAMHSA, the ASB did not have any involvement in or oversight of any County grant applications to SAMHSA. *See* INQ 23-61. In contrast, the president and owner of a private for-profit company receiving a grant from the Naranja Lakes Community Development Agency (“NLCRA”) could not accept appointment to the NLCRA as a Board Member because the grant award had ongoing requirements overseen by the NLCRA that created a substantial conflict that would impede the full and faithful execution of his public duties. *See* INQ 23-149.

Here, considering that your work for the Museum is compensated, and you serve as its Executive Director responsible for its day-to-day operations, you are engaged in outside employment. *See* RQO 17-03. Furthermore, based on the information provided to us at this time, your work for the Museum appears unlikely to impair your independence of judgment in the performance of your County duties as a CRB Board Member. This is because there is no overlap between when you are called upon to perform your County duties and your outside employment, you do not have access to non-public information as part of your County position that is or could be relevant to your outside employment, and the BBC GOB Program grants are not administered by or otherwise come before the CRB. *See* INQ 23-61; *cf.* INQ 23-149. Accordingly, there does not appear to be any prohibited overlap between your public duties as a CRB Board Member and your work for the Museum.

Furthermore, given that you are advisory personnel, you are not required to file an annual report – Outside Employment Statement – unlike full-time County employees. *See* County Ethics Code § 2-11.1(k)(2).

B. Section 2-11.1(v) – Voting Conflicts

The County Ethics Code provides that no advisory personnel shall:

vote on any matter presented to an advisory board . . . on which the person sits if the board member will be directly affected by the action of the board on which the member serves, and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director,

partner, of counsel, consultant, employee, fiduciary, or beneficiary;
or (ii) stockholder, bondholder, debtor or creditor

County Ethics Code § 2-11.1(v). For a voting conflict to exist under this provision, both prongs must be met. *See* RQO 07-49; INQ 23-61.

In the past, a Board Member of the Miami-Dade HIV/AIDS Partnership, a County Advisory Board, could vote on funding recommendations regarding a service category so long as the Board Member did not work for an outside employer that is the sole provider in said category and the funding recommendation did not designate amounts or percentages among various providers in a particular service category. *See* RQO 05-50. However, a Board Member may not vote on funding recommendations that directly affect the member's employer or an entity in which he or she has a financial interest. *See id.*

Here, as Executive Director of the Museum, you would have a designated relationship with the Museum – director and/or employee. However, it does not appear that the grant award for the Museum will come before the CRB, nor does it appear that the CRB is involved in either administering the grant award or determining the disbursement of funds based on the reimbursement requests that the Museum submits to the County. Rather, it appears that OMB is the primary County department responsible for administering the grant award. However, if the award of the grant funds to the Museum, or any aspect of the administration or disbursement of those funds were to come before the CRB, you would have a prohibited conflict of interest and would be required to recuse yourself from any vote on the matter. *See* RQO 05-50.

C. Section 2-11.1(m) – Certain appearances and payment prohibited

The County Ethics Code provides that no advisory personnel shall:

appear before the County board or agency on which he or she serves, either directly or through an associate, and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person.

County Ethics Code § 2-11.1(m)(2). Accordingly, this means that you may not appear before the CRB on behalf of the Museum regarding the award or disbursement of the grant funds. *See* INQ 23-149. You would further be prohibited from preparing or reviewing any presentation made to the CRB on behalf of the Museum or any other third party. *See id.*

D. Section 2-11.1(g) – Exploitation of official position prohibited

The County Ethics Code prohibits County advisory personnel from exploiting their official position. *See* County Ethics Code § 2-11.1(g). This means that you may not use your County position to secure any special privilege or exemption with respect to the award of, and ultimate receipt of, grant funding to the Museum through the BBC GOB Program or

the BCC's general fund. *See* INQ 24-58 (Board Member of the Miami-Dade International Trade Consortium may not use her board position to secure a Mom and Pop Small Business Grant for her personally owned company). Furthermore, this means that you must not exploit your County position by using it to advertise, promote, or otherwise recruit participants for the Museum's activities. *See* INQ 22-112 (a Parking Lot Attendant Supervisor working for the Miami-Dade Internal Services Department may not promote his private tax services company while engaged in his County work).

E. Section 2-11.1(f) – Compulsory disclosure by employees of firms doing business with the County

The County Ethics Code provides that any County advisory personnel who are:

employed, either himself or herself or through a member of his or her immediate family, by a corporation, firm, partnership or business entity in which he or she does not have a controlling financial interest, and should the said corporation, firm, partnership or business entity have substantial business commitments to or from the County or any County agency, or be subject to direct regulation by the County or a County agency, then said person shall file a sworn statement disclosing such employment and interest with the Clerk of the Circuit Court in and for Miami-Dade County.

County Ethics Code § 2-11.1(f).

Here, you are employed by the Museum and do not have a controlling financial interest in it because it is a not-for-profit corporation. Furthermore, the Museum has a substantial business commitment – the receipt of \$2.1 million in grant funding – with the County. Accordingly, you are required to file with the Miami-Dade County Clerk of the Circuit Court a sworn statement disclosing your employment with the Museum. *See id.*; INQ 23-61 (a County employee engaged in outside employment with an entity that provides the County with a large amount of grant funding must disclose her outside employment pursuant to Section 2-11.1(f), County Ethics Code).

Opinion

Based on the facts presented here and discussed above, **it does not appear that your position as a Board Member of the CRB would give rise to any prohibited conflict of interest that would prevent the Museum from accepting or otherwise receiving funds awarded to it from the BBC GOB Program and the BCC's general fund, provided that you abide by the restrictions discussed above.**

Additionally, **you must file a sworn statement disclosing your employment with the Museum with the Miami-Dade Clerk of the Circuit Court.** *See* County Ethics Code § 2-11.1(f); INQ 23-61.

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.