



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Dr. Gabrielle Carey-Johnson, Board Member
Miami-Dade County Commission for Women

FROM: Nolen Andrew Bunker, Assistant General Counsel
Miami-Dade Commission on Ethics and Public Trust

SUBJECT: INQ 2025-60, Section 2-11.1(c), Prohibition on transacting business within the County; and Section 2-11.1(j), Conflicting employment prohibited.

DATE: June 26, 2025

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

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust (“Ethics Commission”) and requesting our guidance regarding possible conflicts of interest concerning a County Board Member applying for two grants funded by Miami-Dade County.

Facts

You, Dr. Gabrielle Carey-Johnson, were appointed by the Honorable Oliver G. Gilbert, III, then-Chairman of the Miami Dade County Board of County Commissioners (“BCC”) to the Miami-Dade County Commission for Women as a Board Member, where you currently serve. The Commission for Women is an advisory board to the BCC, the County administration, and the public at large about issues pertaining to the status of women.¹ The Commission for Women is comprised of twenty-six (26) members. Your Commission for Women position duties do not include any oversight or administration of the Mom and Pop Small Business Grant program, nor does it include any oversight or administration of the Business Empowerment Grant program administered by the Miami-Dade Economic Advocacy Trust (“MDEAT”).

¹ See *History*, COMMISSION FOR WOMEN, <https://www.miamidade.gov/global/government/boards/commission-for-women.page> (last visited June 25, 2025).

You own and operate a Florida Limited Liability Company named Gabby Cares of South Florida, LLC (“Gabby Cares”), which provides mental health and counseling services. Gabby Cares’s office is physically located within the boundaries of District 2 of Miami-Dade County. You are responsible for all aspects of the organization and operation of Gabby Cares. You have applied for a Mom and Pop Small Business Grant for Gabby Cares of South Florida, LLC, through Miami-Dade County Commissioner Marleine Bastien’s District 2 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 (13) County Commission district offices.

Additionally, you are President of New Level Excellence, Inc. (“NLE”), a Florida not-for-profit corporation. NLE offers support and mentoring to Miami young adults with an aim to reduce unplanned pregnancies and increase access to higher education.² NLE is physically located within the boundaries of District 3 of Miami-Dade County. You are responsible for all aspects of the organization and operation of NLE.

MDEAT is a County agency focused on addressing socioeconomic disparities, supporting small businesses and expanding homeownership within the Miami-Dade community. MDEAT administers a Business Empowerment Grant to support small businesses within the County. The grant offers two funding opportunities, one for businesses in operation between six months and two years, and another for businesses operating for three years or more.³ You are considering applying for this grant in the future on behalf of NLE.

Issues

Whether there is a prohibited conflict of interest that would prevent Gabby Cares of South Florida, LLC, your privately owned business, from accepting a Mom and Pop Small Business Grant.

Whether there is a prohibited conflict of interest that would prevent New Level Excellence, Inc., a non-profit for which you serve as president, from accepting an MDEAT Business Empowerment Grant.

Analysis

As a preliminary matter, the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”) applies to all County personnel, including County advisory personnel. *See* County Ethics Code §§ 2-11.1(a), (b)(4). Board members of the Commission for Women are advisory personnel and, as such, are covered by the County Ethics Code. *See* INQ 23-

² *See About*, NEW LEVEL EXCELLENCE, <https://www.newlevelexcellence.com/about> (last visited June 25, 2025).

³ *See Business Empowerment Grant*, SMALL BUSINESS AND ECONOMIC DEVELOPMENT, https://www.miamidade.gov/global/service.page?Mduid_service=ser154343669764511 (last visited June 25, 2025).

35 (previously concluding that you, as a Board Member of the Commission for Women, are subject to the County Ethics Code). This inquiry involves several sections of the County Ethics Code, each of which is analyzed in turn below:

A. Outside Employment

Outside employment is considered “any non-County employment or business relationship in which the County [officer or] employee provides a personal service to the non-County employer that is compensated or customarily compensated.” RQO 17-03. Furthermore, County personnel who have “significant managerial responsibilities or working time commitments” with a non-profit entity are considered to be engaging in outside employment. *See id.* Here, your work for Gabby Cares and NLE constitutes outside employment, as defined by the County Ethics Code.

Furthermore, the County Ethics Code prohibits County advisory personnel, such as yourself, 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); *see also* INQ 14-136. Conflicting employment can occur when a County Board Member encounters the same or similar persons or entities in both his or her County board service and outside employment. *See* INQ 22-21. In practice, a member of the Miami-Dade Domestic Violence Oversight Board did not have a prohibited conflict of interest between her board service and her private legal practice focused on estate planning. *See id.* Similarly, a member of the Miami-Dade International Trade Consortium did not have a prohibited conflict of interest between her board service and her private ownership and operation of a painting and floor installation company. *See* INQ 24-58. Additionally, you previously requested an ethics opinion in 2023, and the Ethics Commission’s legal staff opined that your work with Gabby Cares did not give rise to a prohibited conflict of interest with your service as a Board Member on the Commission for Women. *See* INQ 23-35.

Here, Ethics Commission staff spoke with Ms. Kendra Auguste-Vincent, who confirmed that your roles and responsibilities for Gabby Cares have not changed substantially since 2023. Ms. Auguste-Vincent further confirmed that your roles and responsibilities at NLE do not overlap in any way with your duties as a Commission for Women Board Member. Accordingly, based on the information provided to us at this time, it appears to be unlikely that the type of outside employment that you engage in through Gabby Cares and NLE would impair your independence of judgment in the performance of your County duties as a Commission for Women Board Member. *See* INQ 24-58; INQ 23-35; INQ 22-21.

B. Contracting with the County

Generally, County advisory personnel may contract with the County with certain limitations. Sections 2-11.1(c) and (d) of the County Ethics Code prohibit County advisory personnel from contracting with any County agency or department that is subject to the “regulation, oversight, management, policy-setting, or quasi-judicial authority” of the County Board on which the person serves. *See* County Ethics Code § 2-11.1(c)(3).

i. *Mom and Pop Small Business Grant*

Here, you and/or Gabby Cares **may accept the Mom and Pop Small Business Grant**, so long as the Commission for Women is not involved in any way in processing or administering the grant. This includes the condition that you may not participate in determining or awarding the grants. Additionally, none of your Board responsibilities may require you to be involved with the grants in any way, including enforcement, oversight, administration, amendment, extension, termination, or forbearance. *See* County Ethics Code §§ 2-11.1(c), (n); *see also* INQ 23-35 (previously finding that Gabby Cares could accept a Mom and Pop Small Business Grant).

ii. *MDEAT Business Empowerment Grant*

Here, you and/or NLE **may accept a Business Empowerment Grant from MDEAT**, so long as the Commission for Women is not involved in any way in processing or administering the grant. *See* INQ 24-107 (finding that an SBD Capital Improvement Project Specialist with the Miami-Dade Small Business Development Office who owned and operated her own realtor business could contract with MDEAT to participate in its Business Resource and Education Grant program). This includes the condition that you may not participate in determining or awarding the grants. Additionally, none of your Board responsibilities may require you to be involved with the grants in any way, including enforcement, oversight, administration, amendment, extension, termination, or forbearance. *See* County Ethics Code §§ 2-11.1(c), (n); *see also* INQ 24-107.

C. Lobbying

While it does not appear that the Commission for Women is, at this time, involved in the County's Mom and Pop Small Business Grant program or MDEAT's Business Empowerment Grant program, you are nevertheless reminded that as a County Board Member, you may not represent, "either directly or through an associate," a third party before the Commission for Women. *See* County Ethics Code § 2-11.1(m)(2).

D. 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 Gabby Cares's application to, and ultimate participation in, the Mom and Pop Small Business Grant program, or to any other grant program to which Gabby Cares or you are applying. This also means that you may not use your County position to secure any special privilege or exemption with respect to any future NLE application, and ultimate participation in, the MDEAT Business Empowerment Grant program or any other grant program to which NLE or you are applying.

Opinion

Based on the facts presented here and discussed above, your and/or Gabby Cares's participation in the Mom and Pop Small Business Grant program **does not appear to give rise to any prohibited conflict of interest**. Furthermore, NLE's anticipated future participation in the

MDEAT Business Empowerment Grant program also **does not appear to give rise to any prohibited conflict of interest.**

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

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.