

INQ Summary  
**2015**  
 First Quarter

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
15-01	(e) RQO 02-46  <i>directed to Fla. Stat. 112.3148</i>	Gerald Sanchez, Assistant Miami-Dade County Attorney	The County Ethics Code does not prohibit the County from paying for the County Mayor's travel to the Florida Governor's inauguration because the Mayor's attendance at important governmental events is within the ambit of the Mayor's official functions. It is not considered a reportable gift to the Mayor because he is attending in his official capacity.
15-02	(e)(4), (e) RQO 09-04	Gerald Sanchez, Assistant County Attorney	Pursuant to the County Ethics Code, at Section 2-11.1(e)(4), an Assistant County Attorney who accepts a free plane ticket from a person or entity other than a County vendor, contractor, service provider, bidder or proposer should report the value of the ticket in a gift disclose form using the going rate for a commercial flight between the same locations.
15-03	(e)(2)(g), (g) RQO 06-05 RQO 08-25	Gerald Sanchez, Assistant County Attorney	The County Ethics Code does not prohibit a County Commissioner from utilizing his/her website to solicit donations for a private non-profit organization dedicated to supporting a non-discrimination policy adopted by the County Commission because, pursuant to Section 2-11.1(e)(2)(g), the organization is a qualified Section 501(c)(3) non-profit organization and neither the Commissioner nor his/her staff will receive a personal benefit as a result of the solicitation.
15-04	(s)(1)(b) plain reading	Edward Shohat, Attorney for former Town of Miami Lakes Mayor Michael Pizzi	An attorney appearing on behalf of the former Mayor of the Town of Miami Lakes to speak before the Town Council to persuade the Council not to defend a pending lawsuit filed by the former Mayor, which seeks to compel the Town to reinstate the former Mayor is required to register as a lobbyist and take the lobbyist ethics course.
15-05	(a),(bb) plain reading	Jean Olin, Attorney for the City of Miami Beach	Pursuant to Section 2-11.1(bb) of the County Ethics Code, City of Miami Beach elected officials are required to file an affidavit with the Ethics Commission stating that they have read the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and agree to comply with its provisions. The certificate of completion of an ethics course that the Ethics Commission presents to the official does not satisfy the affidavit requirement.

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
15-06	(c)(2), (d)	Lynn Barrett, Chief Compliance Officer, Jackson Health Systems (JHS)	A prohibited conflict of interest does not exist where a JHS employee has supervisory authority over a construction bond program where a proposed sub-contractor for the program employs the JHS employee's husband because the husband does not have a controlling financial interest in the subcontracting company.
15-07	(e) RQO 06-05	Matt Haber, Assistant City Attorney, City of Miami	The County Ethics Code does not prohibit the City as an entity from entering in a City vendor's iPad raffle because the raffle is open not just to the City Attorney's office, but to all of the vendor's clients. However, if the City Attorney's office were to win, it would be prohibited from raffling the iPad to the employees of the City Attorney's Office because the i-Pad would become City property which can only be used in performance of the office's duties.
15-08	(g)	Esteban Bovo, County Commissioner, District # 13	A County Commissioner is not prohibited from sending constituents a mailer paid with taxpayer funds, to solicit public input regarding his constituents' support of or opposition to the proposed naming of an unincorporated area within the Commissioner's district, where a valid governmental purpose exists, there is no pending election, and no overt political agenda is involved.
15-09	(t)1.(a)(vi) RQO 09-06	Jose Smith, Esq., City Attorney, City of North Miami Beach	The Cone of Silence, at Section 2-11.1(t) of the County Ethics Code generally prohibits oral communications between a City Manager and members of a Selection Committee while the Cone is in place. However, Section 2-11.1(t)1(a)(vi) of the Cone of Silence permits communication between the City Manager and the Chairperson of the Selection Committee about a particular award recommendation following its submittal to the City Manager, provided that if any changes are made to that recommendation, the rationale for the change and the content of such communication is described in writing and filed by the City Manager with the Clerk of the Board.

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
15-10	(c)(3), (m)(2), (v) RQO 06-52 RQO 07-39	Brian Andrews, Brian Andrews USA, LLC.	A County advisory board member may contract with the County as long as the board on which he serves does not oversee the contract; he is not making presentations or seeking any benefits for himself or others from his board; and he does not vote on any matter where he would be directly affected by the vote and has an enumerated relationship with the entity before the board.
15-11	(g) RQO 06-52	Marie Paule Woodson, Acting Assist. Dir., County Community Action and Human Services Department (CAHSD)	An Acting CAHSD Assistant Director does not have a prohibited conflict of interest between her County employment and her service as a volunteer Chair of the Board of the Haitian Women of Miami (FANM) where FANM is seeking to rent space at one of the Neighborhood Service Centers (NSCs) administered by CAHSD. She does not have authority to make final decisions about the rental of space at the NSCs and she would not receive a personal or financial benefit related to any rental contract entered into between FANM and CAHSD.
15-12	(d) RQO 11-27 RQO 07-54	Rebeca Sosa, County Commissioner, District #9	A County Commissioner who is employed by the School Board may vote on a matter related to Value Adjustment Board Proceedings concerning the overall funding provided to the School District from Miami-Dade County tax revenues because there is no direct correlation between her position with the school district and this item. The school district is a vast enterprise and any change in funding to the overall district from this measure would have no perceptible effect on the Commissioner or her position with the School Board.
15-13	(g) RQO 07-54	Rebeca Sosa, County Commissioner, District #9	A County Commissioner who is employed by the School Board does not violate the Ethics Code by participating in a tour of the Robert Morgan Educational Center operated by the Miami-Dade Public Schools with Governor Rick Scott, and Rep. Erik Fresen because there is no political or non-governmental purpose behind this tour, and the Commissioner would not personally benefit or be enhanced, financially or otherwise, by her participation in the tour.

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
15-14	(j) RQO 08-29 RQO 05-140	Carolina Lopez, Deputy Supervisor, County Elections Dept.	A County employee engages in outside employment when he/she is compensated for providing marketing services to a private entity because he/she is providing the type of personal services to the non-County employer that is compensated or customarily compensated. Consequently, these employees should file the Request to Engage in Outside Employment form and the Outside Employment Statement on a yearly basis.
15-15	(d) RQO 06-64 RQO 07-12	Matt Haber, Assistant City Attorney, City of Miami	A City of Miami Commissioner is prohibited from appointing his business partner to a public board on which the Commissioner also sits because “partner” is one of the relationships identified in the County Ethics Code that creates a <i>per se</i> voting conflict.
15-16	(i)(1) RQO 04-198	Ahmad Tavakoly, Board Member, County Asian American Advisory Board	County Board Members must file financial disclosure statements on a yearly basis; they satisfy the requirement by submitting a County “Statement of Income” form, a State Form 1 “Statement of Financial Interest,” or a federal income tax return for the year they are disclosing.
15-17	(g) RQO 07-54	Rebeca Sosa, County Commissioner, District #9	A County Commissioner who is employed by the School Board does not violate the Ethics Code by working to find and create greater opportunities for facilities and programs geared toward educating and caring for those with autism because there is no political or non-governmental purpose behind this work, and the Commissioner would not personally benefit or be enhanced, financially or otherwise, by these programs.
15-18	(s)(1)(b) <i>directed to</i> County Code at Sec. 2-11.1.2	Lucia Dougherty, Attorney, Greenberg Traurig	A law firm that represents the County on bond issues is engaged in legal work, not lobbying. The law firm’s representation of an appeal of an historic designation, if it involves only representation of a client at a quasi-judicial hearing, is exempt from the lobbyist ordinance. Therefore, there is no necessity for the firm to apply for a lobbyist waiver from the County, though it should consult with the County Attorney regarding a legal conflict.

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
15-19	(c)(5)(5) RQO 09-20  <i>directed to</i> City of Miami Code at Sec. 2- 612(a)	Arianna Prieto, Engineering Assistant, City of Miami Public Works Dept.	An exception under Section (c)(5)(5) of the County Ethics Code allows a City employee to participate in housing assistance programs through the City of Miami Department of Community Development (DCD) if the employee otherwise qualifies for the program and is not involved in administering the program.
15-20	(e)(3) (e)(4) RQO 02-46	Victoria Mendez, City Attorney, City of Miami	The County Ethics Code does not prohibit a City of Miami officer or employee from accepting a complimentary ticket valued at \$35 from the Latin Builders Association for attendance at its private membership cocktail, provided that acceptance of the gift does not violate the City of Miami Code, Ordinances, or Charter, and if there is no quid pro quo arrangement. The complimentary ticket is not a reportable gift because it is valued at less than \$100.
15-21	(s) RQO 11-26	Miguel De Grandy, Partner/Lobbyist, Holland & Knight	A private attorney who contacts the City of Miami to present his client's claim for reimbursement of all or a portion of an application fee and who acts as the client's attorney in connection with the claim is engaged in the practice of law and thus is not required to register as a lobbyist under Section (s) of the Ethics Code.
15-22	(j),(k) RQO 12-11  <i>directed to</i> County Code Sec. 2-11	Santiago Pastoriza, Procurement Officer, Miami-Dade County Internal Services Department (ISD)	Although opinions regarding possible conflicts of interest in outside employment and outside employment guidelines presented by the Ethics Commission staff may serve as an aid, final determination as to whether a County employee should engage in outside employment is at the discretion of his/her supervisor.
15-23	(d) RQO 07-54	Chris Agrippa, Clerk of the Board, Miami-Dade County Commission	A County Commissioner who, as a private citizen, submits paperwork for a citizen referendum item to be placed on a ballot may participate and vote on the matter when it comes before the County Commission because the Commissioner does not have a prohibited relationship related to the matter, he will not directly or indirectly profit or be enhanced by the vote, and the vote will not affect him any differently than it would affect the general public.

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
15-24	(e) RQO 02-46 RQO 05-110	Matthew Haber, Assistant City Attorney, City of Miami	City of Miami officials may accept the gift of Coconut Grove Arts Festival tickets valued at \$5 from a donor because neither the donor nor the Coconut Grove Arts Festival is a City vendor, creditor or lobbyist. The gift is not prohibited as long as the gift is not given with the expectation that a special benefit from the City will be given in return. City officials must report the tickets as gifts, if the aggregate value of the tickets exceeds \$100.
15-29	(a)  <i>directed to</i> Fla. Stat. Chapter 718	Antonio Atala, Condominium Board Member	A Homeowners Association is not a public board created by local government, and therefore, is not subject to the County Ethics Code.
15-30	(s)(3)(b), (s)(2)(d) RQO 10-09	Jose Diaz, Lobbyist, Professional Wrecker Operators of Florida	A Principal who lobbies on behalf of his company must register as a lobbyist, but is not required to pay registration fees and must also complete the lobbyist ethics training and pay training fee.
15-31	(v)	Bianca Caviglia, Aide to Miami-Dade Commissioner Juan Zapata	Where the duties of the members of the Court Capital Infrastructure Task Force are not expected to include actions or recommendations directed toward specific private business interests, no prohibited conflicts of interest would arise under the County Ethics Code. Pursuant to Section 2-11.1(v) of the Ethics Code, a board member is not prohibited from voting on matters if the board member will not be directly affected by the vote and/or he/she has no prohibited business relationships with the applicants.
15-32	(s)(3)(b) (s)(2)(d) RQO 10-09 RQO 11-28	Javier Vasquez, Esq., Berger Singerman LLP	A Principal who lobbies on behalf of his company must register as a lobbyist, but is not required to pay registration fees and must also complete the lobbyist ethics training and pay training fee.
15-33	(i)  <i>Plain meaning</i>	Carolina Lopez, Deputy Elections Supervisor	A County employee who submits a Source of Income Form without itemizing his or her source or sources of income does not meet the requirements set out in Section 2- 11.1(i). The incomplete form must be returned to the employee in order for them to provide the required information.

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
15-34	(c), (m)(1) RQO 07-39 RQO 07-45	Geraldine Lazarre, TriMerge Consulting Group, P.A.,	A private company with a shareholder who serves on the Miami-Dade Black Affairs Advisory Board (BAAB) and on the Jackson Health System General Obligation Bond Citizens Advisory Committee Board (JMH/GOB) may apply for a Mom & Pop grant as long as the grant is not administered by either BAAB or JMH/GOB) and she does not lobby on behalf of the private company.
15-35	(x) RQO 11-14  INQ 12-62	Manny Sarria, Deputy Director, Miami-Dade County Homeless Trust	Pursuant to Section (x) of the County Ethics Code, a former employee of Citrus Health Network (CHN), an entity which has previously applied for and received funding from the Home/Emergency Solutions Grant (ESG) selection committee, is prohibited from performing any County contract duties or actions related to CHN for a period of two (2) years following termination of his relationship with CHN, and thus may not serve on the Home/ESG selection committee within the two-year period.
15-36	(i)  <i>directed to</i> IRS 1.2.12.1.5 (07-26 - 2011), Policy Statement 3-5.	Carolina Lopez, Deputy Supervisor of Elections, Government Affairs Division, Miami-Dade County Elections Department	An unsigned federal income tax return does not satisfy the requirements of Section (i) of the County Ethics Code because an unsigned income tax return is invalid pursuant to Internal Revenue Service (IRS) policies.
15-37	(i)  <i>Plain meaning</i>	Carolina Lopez, Deputy Supervisor of Elections, Government Affairs Division, Miami-Dade County Elections Department	An Assistant County Attorney satisfies the financial disclosure requirements in Section (i) of the County Ethics Code by filing a State Form 1 because State Form 1 lists the filer's public position.

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
15-38	(e), (g) COE Public Benefit Ticket Policy and Addendum	Liliana Collazo, Assistant to the Deputy Mayor, Office of the Mayor, Miami-Dade County	Complimentary Miami-Dade County Youth Fair tickets provided by the Youth Fair, a County contractor, to the County Mayor's Office for distribution to the public must be distributed in a way that benefits the public and may not be used for personal purposes in violation of Section (g) of the County Ethics Code ("Exploitation of Official Position").
15-39	(e) RQO 11-18	Victoria Mendez, City Attorney, City of Miami	Pursuant to Section (e) of the County Ethics Code, City of Miami elected officials must report the receipt of complimentary VIP Formula E race tickets valued at over \$100 if the officials are merely attending the event and mingling with other guests, because the officials are not attending in their official capacity and thus are not serving a public benefit. The provision of complimentary VIP Formula E race tickets to the officials' spouses or guests must also be reported.
15-40	(d) RQO 06-64	Vivian Castro, Legislative Director, Office of Miami-Dade County Commissioner Rebeca Sosa,	A County Commissioner who is an employee of the School Board may vote on matters related to the School Board because the outcome of the vote does not directly or indirectly affect the Commissioner, her district, her school department, or her program.
15-41	(j), (k) RQO 09-16 RQO 12-11	Joan Shen, Chief, Traffic Engineering Division, Miami-Dade County Public Works and Waste Management (PWWM)	Pursuant to Sections (j) and (k) of the County Ethics Code, a Public Works and Waste Management (PWWM) employee whose primary responsibilities include designing roadways for effective traffic flow and safety may provide interior design services for private individuals because this outside employment would not impair his independence of judgment in performing his County duties. The private employment is not related to his County duties, would not conflict with his County employment hours, would not involve work with a County vendor, and would not require him to lobby the County on behalf of his private company.
15-42	(e)(2)(g) RQO 06-05 RQO 08-25	Raul Aguila, Miami Beach Attorney, on behalf of Mayor Philip Levine	Pursuant to Section (e) of the County Ethics Code, the City of Miami Beach Mayor should not include language in a letter that may be construed as a solicitation of funds on behalf of an organization that is not a 501(c)(3) nonprofit organization as defined in the Internal Revenue Code.



INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
15-43	(s) RQO 06-63 RQO 10-28	Andrea Jamel, Marketing & Business Relationship Manager, DMS Disaster Consultants	A private firm that conducts business as a disaster management consultant to PHT/JHS hospitals in Miami-Dade County is not required to complete lobbyist registration. However, in the future, if the private firm markets its services or negotiates contract terms with PHT/JHS, registration as a lobbyist is required.
15-44	(t) RQO 05-27  <i>directed to</i> Fla. Stat. §286.011	Marie Clark-Vincent, Miami-Dade County Aviation	Pursuant to Florida's Sunshine Law and Section (t) of the County Ethics Code, a strategy meeting conducted by an evaluation/selection committee formed to consider proposals for Baggage Handling Systems Operations and Maintenance for Miami International Airport must be conducted in public.
15-45	(e) RQO 02-46	Matthew Haber, Assistant City Attorney, City of Miami	City of Miami officials may accept complimentary admission to the Miami Beach Mayor's reception celebrating Miami Beach's centennial because the event serves a public purpose and the officials are invited by virtue of their public positions in a municipality that adjoins Miami Beach. The City of Miami officials would be required to report the attendance of their spouses or guests at the event because the spouses' or guests' attendance does not serve a public purpose.
15-46	--  <i>directed to</i> Miami-Dade County Resolution R-736-07 & Fla. Stat. §112.3135	Theresa Sarano, Human Resources Manager, Career Services of South Florida	The County Ethics Code does not contain a Nepotism provision. However, the County Nepotism Policy encourages department directors to refrain from maintaining relatives in close proximity in a departmental subunit.

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
15-47	(s)  <i>Plain meaning</i>	Chad Friedman, Attorney, Weiss Serota Helfman Cole Bierman	Where nothing is pending before the municipality; no proposal has been formalized, written, or submitted; and there has not been a decision as to whether a proposal will even be submitted, a private attorney who meets with municipal officials is not required to register as a lobbyist pursuant to Section (s) of the County Ethics Code because the meeting would be considered a “meet and greet” preliminary meeting.