



For Immediate Release: March 11, 2015  
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### **Foster parenting is not considered ‘outside employment’**

The Miami-Dade Commission on Ethics and Public Trust (COE) today determined that a county employee who serves as a foster parent is *not* engaging in outside employment, and therefore, does not have to submit a “Request for Outside Employment” or complete an “Outside Employment Statement” each year. The response to the Request for Opinion (**RQO 15-01**) is based on determinations by both the State of Florida, which considers foster parenting as a volunteer activity, and the Internal Revenue Service, which exempts foster care payments as part of a parent’s income. The opinion notes that while foster parents do receive a stipend, those dollars are intended for the care of the child and are not considered compensation.

A city commission may not approve a wholesale waiver of the ethics prohibition of travel-related expenses paid by government vendors, according to another opinion approved by the Ethics Commission today. It came in response to a Request for Opinion (**RQO 15-02**) regarding a proposed City of Homestead resolution that would waive the ban on payment for meals and other activities at 14 upcoming out-of-town events, but does not name the public officials, contributing vendors nor the value of the benefits anticipated. The Conflict of Interest and Code of Ethics Ordinance specifically prohibits elected officials and public employees from accepting travel and related expenses by vendors to avoid undue influence or exploitation and, at the very least, the appearance of impropriety. That ban may be waived by a majority vote of the county or city commission. Today’s opinion states that such a waiver must be decided by a separate public vote of the governing body and include the disclosure of who is providing any travel-related benefit to a public official, as well as the identity of the public official receiving the benefit.

The COE found No Probable Cause that a former county employee exploited his public position in assisting a recently-elected Miramar City Commissioner transition into office during time he was on the Miami-Dade payroll. Billy Hardemon retired from his job as a senior administrator in the county’s Public Works and Waste Management Department on August 31, 2013. A former colleague of Hardemon’s in Public Works, Yvette Colbourne, ran for and won election to the Miramar City Commission in March of that year. An investigation found that on several days between March and August, Hardemon was in Miramar during regular business hours attending meetings and working as a de-facto Chief of Staff to Colbourne, without requesting leave time. While Ethics Commissioners agreed they did not approve of his actions, because of the broad definition of “job-basis employee,” which permits staff to work variable

hours as long as they fulfill their responsibilities, they could not prove that Hardemon did not accomplish his County duties or that he directly used his position to provide a special benefit to anyone. The COE did find Probable Cause to one count of the complaint (**C 14-41**) that accuses Hardemon of failing to report outside income during Colbourne's campaign that he earned for "B&B Consulting," owned by Hardemon's wife, Barbara.

In other action today, The Ethics commission approved a resolution to honor retired Florida Supreme Court Justice Gerald Kogan with a "Lifetime Achievement Award for Ethics in Public Service." In addition to his legal and judicial experience in the state and county courts, Judge Kogan has served as President of the Alliance for Ethical Government and as a member of the Miami-Dade County Public Schools Ethics Advisory Committee. He has been an adviser and mentor to countless public servants, attorneys and citizens, as well as law students at four different universities. The award will be presented at the opening session of the **"Ethics In Education: A to Z" conference on Friday, May 1, 2015** at the University of Miami's Storer Auditorium beginning at 5:30 p.m. Anyone wishing to take part may learn more and register by visiting [ethics.miamidade.gov](http://ethics.miamidade.gov)

Finally, the Ethics Commission paid tribute today to Deputy General Counsel Miriam Soler Ramos, who is leaving the agency after more than nine years. Ms. Ramos begins her new position as Deputy City Attorney in Coral Gables on March 16<sup>th</sup>.

*The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education, outreach and enforcement, the Commission seeks to empower the community and bolster public trust.*

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