

INQ Summary  
**2016**  
 First Quarter

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
16-01	(e),(w)  <i>directed to</i> City of Miami Code §§ 2-613-2-614  Fla. Stat. §112.3148(4)	Matthew Haber, Assistant City Attorney, City of Miami	City of Miami officials are prohibited from accepting travel expenses from city vendors absent a waiver by four-fifths of the city commission or a unanimous vote of the quorum of the city commission. However, §112.3148(4), Florida Statutes, prohibits a reporting individual such as a city commissioner or procurement employee, from “knowingly accepting, directly or indirectly, a gift from a vendor doing business with the employee’s agency, a political committee as defined in §106.011, or a lobbyist who lobbies the employee’s agency...”
16-02	(e)(2)(f), (g)  RQO 02-46 RQO 08-49 RQO 06-05	Phillip Levine, Mayor, City of Miami Beach	The Mayor of the City of Miami Beach is not prohibited from soliciting contributions on behalf of the city for the annual U.S. Conference of Mayors in 2017, a city-sponsored event, because the solicitation serves a city purpose and neither the Mayor nor his staff would benefit from the solicitation. However, the Mayor should avoid any appearance that contributions to the event would influence official decisions that could benefit the contributors.
16-03	(v), (g), (h), (j), (i)	Skarlex Alorda, Administrative Liaison, Commission on Disability Issues (CODI)	A County employee would not be prohibited from serving on a County board. However, he or she would be subject to several limitations. Co. Ethics Code Section 2-11.1 (g) prohibits the use of his or her official position to secure special privileges or benefits; Section (h) prohibits disclosure of confidential information; Section (v) prohibits any appearance before the board in which he or she serves, or voting or participating on matters involving his or her County department if he or she will be directly affected by the vote.
16-04	(e)(2)(g)  RQO 06-05	Larry Roth, Councilman, City of Homestead	The County Ethics Code does not prohibit a Councilman from using his official position to solicit donations for a private non-profit organization 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 Councilman nor his/her staff will receive a personal benefit as a result of the solicitation.

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16-05	(j), (k)  <i>directed to</i> Miami-Dade County Code § 2-11  A.O. 7-1  INQ 08-118	Jennifer Walker, Chief, Human Resources, Miami-Dade Transit (MDT)	A County MDT employee may engage in outside employment by serving in a temporary position with the County Elections Department, as long as he receives approval from his supervisor
16-06	(q), (h)  RQO 11-24 RQO 12-09	Thomas Marko, Former County employee (2015)	A former County employee may not lobby or attempt to influence any official decision in the County for two years following his separation from the County, including advocating for decisions that may be made at the sole discretion of any County official or employee. However, the individual may perform services and routine administrative functions related to County projects.
16-07	--  <i>directed to</i> Miami-Dade County Code § 2-1074(y)  Commission on Ethics Rules of Procedure §2.3  RQO 98-02	James Ferguson, Chief, Engineering & Design Division, Miami-Dade County Water and Sewer Department (WASD)	Sections 2-1074(y) of the Miami- Dade Co. Code and 2.3 of the Rules of Procedure of the Ethics Commission, limit the issuance of advisory opinions to the prospective conduct of a person who will be affected by the interpretation and who is under the jurisdiction of the Ethics Commission.
16-08	(k)(2)  <i>directed to</i> Miami-Dade County Code § 2-11  A.O. 7-1  RQO 07-24 RQO 08-36	Jose Chao, Senior Specialist, Miami-Dade County Communication Department	A County employee who performs a service for his privately owned business must seek permission to engage in outside employment and file the required permission and disclosure forms. However, his wife, who is also a County employee, is not engaged in outside employment if she does not perform any service for the business and receives no compensation.

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16-09	(g)  <i>directed to</i> Miami-Dade County Code § 2-56.28.12	Rick Yabor, Attorney	The County's "Whistleblower" ordinance does not apply to municipal employees unless the municipality has adopted its own "whistleblower" ordinance and grants enforcement powers to the Ethics Commission.
16-10	(d)  RQO 07-54 RQO 11-27	Rebeca Sosa, Miami-Dade County Commissioner, District #6	A County Commissioner employed by the School Board may vote on a Resolution authorizing a settlement between the County's Property Appraiser and the Miami-Dade School Board for the County to reimburse the School Board for paying for work of the Property Appraiser before the Value Adjustment Board because she will not be affected in a manner distinct from the public generally, and she will not profit or be enhanced by the vote.
16-11	(d)  RQO 07-54 RQO 11-27	Rebeca Sosa, Miami-Dade County Commissioner, District #6	A County Commissioner employed by the School Board may vote on a Resolution authorizing a Joint Use Agreement between the County and the School Board to permit installation of portable classrooms for middle and high schools magnet programs at a County-owned site at Zoo Miami because she will not be affected in a manner distinct from the public generally, and she will not profit or be enhanced by the vote.
16-12	(d)  RQO 07-54 RQO 11-27	Rebeca Sosa, Miami-Dade County Commissioner, District #6	A County Commissioner employed by the School Board does not have a prohibited voting conflict in connection with a resolution authorizing the County Mayor or his designee to extend an Interlocal Affiliation Agreement with the School Board for the provision of movie nights at School Board sites because the Commissioner's position with the School Board is not connected to the Interlocal Affiliation Agreement, she will not be affected in a manner distinct from the public generally, and she will not profit or be enhanced by the vote.
16-13	(j), (k), (h), (g)  RQO 09-16	Bassam Moubayed, Chief, Construction Division, Miami-Dade County Public Works & Waste Management (PWWM)	Pursuant to Sections (j) and (k) of the Ethics Code, a Public Works and Waste Management (PWWM) employee does not have a conflict of interest involving his employment at the County and his work conducting training classes for storm water operator certification on behalf of a non-profit organization because this outside employment would not impair his independence of judgment in the performance of his public duties and it will not conflict with his County employment hours.

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16-14	(i)  RQO 13-01	Jasmine Coe, International Trade Consortium Board	County board members are required to file financial disclosure forms by July 1st of the year following the year in which they serve.
16-15	(i)  <i>directed to</i> Town of Miami Lakes, Resolution 15-1291  RQO 13-01	Haydee Sera, Gastesi & Associates P.A., Attorney for the Town of Miami Lakes	Members of a Charter Review Commission are not required to file Financial Disclosure forms if the Commission is created to serve for a period of less than one (1) year. However, board members are subject to other provisions of the County's Ethics Code and the State Code of Ethics.
16-16	(i)  RQO 13-01	Robert Hudson, Former board member, Zoo Oversight Board (2012)	County board members are required to file financial disclosure forms by July 1st of the year following the year in which they serve.
16-17	(j), (k)  RQO 12-11	Dorothy Moljo, Personnel Specialist, Miami-Dade County Internal Services Department (ISD)	While the County Ethics Code does not specify the number of hours that a County employee may work in outside employment, the County Ethics Code prohibits a County employee from engaging in outside employment which will impair his or her independence of judgment or performance of his or her County duties.
16-18	(e)(2)(e), (e)(3)  RQO 02-46 RQO 02-70	Jessica Weiss Levinson, Town of Surfside Tourist Board	Free equipment donations provided locally to the Town of Surfside for a town event by a Town vendor and board member do not violate the Ethics Code because the equipment will be used solely by the Town in furtherance of official Town business, and no financial or other benefit to the vendor.
16-19	(k)(2)  <i>directed to</i> Miami-Dade County Code § 2-11  A.O. 7-1  INQ 05-30	Beverly Hall, Miami-Dade County Internal Services Department (ISD)	A County employee is engaged in outside employment when she receives donations or "love offerings" from attendees while serving as a ministry speaker or teacher, in lieu of compensation.

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16-20	(m)(2)  <i>directed to</i> South Miami Code § 8A-1(1)(4)	Thomas Pepe, City Attorney, City of South Miami	While the City of South Miami Ethics Code prohibits a board member from “appearing” before the city commission to testify once a recommendation has been made by the board in which he or she serves, the board member is not prohibited from submitting written communication.
16-21	(g)  RQO 05-06  Memorandum “Limitations on Political Activities of County and Municipal Officers and Employees” (October 2014)	Jose Requejo, Miami-Dade County Internal Services Department (ISD)	A County employee is not prohibited from participating in a political campaign. However, the County employee would be prohibited from using his County position or title to exert any official authority or pressure to affect the outcome of an election, and he may not use County time or resources in the campaign.
16-22	(j), (m)(1), (h), (g)  RQO 12-10	Samantha Jacob, Legislative Aide, Office of the Chair	A County employee may serve on the board of directors of a nonprofit organization as long as she does not appear in front of any County board or agency to make a presentation seeking any benefit on behalf of the nonprofit organization or, in any other way, exploit her official position with the County to benefit the nonprofit.
16-23	(w), (e)(4)  <i>directed to</i> Miami-Dade County Code § 2-613  Fla. Stat. § 112.3148	Tiffany Britton, Legal Advisor, City of Miami Parking Authority	A City of Miami official who accepted a gift from a vendor pursuant to the waiver provision in Section 2-11.1(w), would have to disclose a gift in excess of \$100 under Section 2-11.1(e)(4). However, Section 2-613 of the City of Miami Code prohibits City officials from accepting any gift from a person or entity doing business with the City, except where given for use and benefit of the City. Additionally, §112.3148(4), Florida Statutes, prohibits a reporting individual or procurement employee from “knowingly accepting, directly or indirectly, a gift over \$100 from a vendor doing business with the employee’s agency...”
16-24	(m)(2), (v), (n), (g), (h)  RQO 07-45	Natalie Milian, Director, Hispanic Affairs Advisory Board, on behalf of Jose Diaz, Board member	An advisory board member may apply for and accept a Mom & Pop grant as long as her board is not involved in any aspect of the grant process.

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16-25	(w)  RQO 05-110	Matthew Haber, Assistant City Attorney, City of Miami	City of Miami employees may accept admission and refreshments at an event held in the City of Coral Gables on climate change by AECOM, an engineering consulting firm, because AECOM is not a current City vendor, contractor, service provider, bidder or proposer.
16-26	(s)(4)  RQO 04-07	Steve Zarzecki, Lobbyist	A person who lobbies the County on behalf of a nonprofit community-based organization must register to lobby but is not required to pay the lobbyist registration fee. Notwithstanding this exemption, the person must take the lobbyist ethics training course within 60 days of registering and pay the \$100 fee for the course. (JC)
16-27	(w)  RQO 05-110	Alex Bokor, Assistant County Attorney, Miami-Dade County Attorney's Office	The County Ethics Code prohibition on County employees accepting travel expenses from County vendors, does not apply to a County employee who received a scholarship to Israel from the Jewish National Foundation, a charitable organization, which is not a County vendor. It is recommended that the scholarship be reported because its value is greater than \$100. (JC)
16-28	(f)  RQO 00-13	Alexander Bango, Laborer, Miami-Dade County Public Works & Waste Management (PWWM)	Pursuant to § 2-11.1(f) of the County Ethics Code, a County employee who is associated with a business entity that transacts business with the County, must file a sworn statement disclosing his work affiliation with the business entity with the Clerk of the Board. (MP)
16-29	(v), (m)(2), (g), (h)  <i>directed to</i> City of Miami Code § 612(a)	Grace Solares, City of Miami	A City of Miami PZAB board member may serve on the board at the same time that he serves on his homeowners' association board as long as he will not be directly affected by any of the board's actions; he will not vote on matters directly affecting his homeowners' association; he will not appear before the city on behalf of his homeowners' association; and he does not use his official position to gain special privileges or exemptions for his homeowners' association. (MP)
16-30	(c), (d)  RQO 00-13	Jean Sanon, Corrections Corporal, Department of Corrections & Rehabilitation	A Corrections employee may contract with other County departments through his privately owned security company, but may not contract with the Department of Corrections. (MP)

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16-31	(d)  <i>directed to</i> Fla. Stat. §286.012	Richard Weiss, Attorney, Weiss Serota Helfman Cole & Bierman	There is no prohibited conflict of interest under Section 2-11.1(d) of the County Ethics Code for a councilperson to vote in a quasi-judicial proceeding as long as that person will not profit or be enhanced by the council vote, even though the councilperson has publicly taken a position on the issue. Because it is a quasi-judicial proceeding, the councilperson may abstain from voting under § 286.012, Fla. Stat., if he/she believes it necessary to ensure a fair proceeding free from potential bias or prejudice. (JC)
16-32	(s)  RQO 08-22	Robert Feldman, Partner, RSM US LLP , Lobbyist	Members of a technical team attending a presentation before the County, who will be available to take questions regarding matters within their subject matter expertise, need not register as lobbyists if they do not otherwise lobby, but they must be listed on an affidavit filed with the Clerk of the Board. (JC)
16-33	(c), (m)(1)  RQO 00-13	Jean Sanon, Corrections Corporal, Department of Corrections & Rehabilitation	A County employee may accept a Mom & Pop grant for his privately-owned company as long as his department is not involved in any way in processing or administering the grant and the employee does not lobby for the grant. (MP)
16-34	(g)  RQO 12-05	David Acosta, Attorney, Switkes & Associates, P.A.	A North Bay Village Commissioner who has a private real estate brokerage firm may not use her city title of “Commissioner” when advertising her private business. (JC)
16-35	(e)(2)(a), (g)  RQO 06-05	Latonda James, Miami-Dade County Economic Advisory Trust Board Member	A board member may donate \$125 to attend a political campaign event for someone who does not have any business before the board on which she sits. Political contributions are not considered gifts and are permitted as long as there is no <i>quid pro quo</i> arrangement intended to influence any official action. (MP)
16-36	(x)  RQO 11-14	Robert Meyers, Attorney, Weiss Serota Helfman Cole & Bierman, on behalf of Jorge Gonzalez, Village Manager, Bal Harbour	Under the reverse two-year rule, the Village of Bal Harbour Chief Building Official, employed less than two years ago by a current Village contractor, may not control or supervise employees of her former employer in the performance of any Village contract-related duties. (JC)

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16-37	(j), (k)  RQO 12-11  INQ 16-17	Richard Dunbar, Representative TWU Local 291, AFL-CIO and MDT	While the County Ethics Code does not specify the number of hours that a County employee may work in outside employment, the County Ethics Code prohibits a County employee from engaging in outside employment which will impair his or her independence of judgment or performance of his or her County duties.(MP/MDG)
16-38	(g)  RQO 05-06  INQ 12-175	Betty Aguirre, Legislative Aide, on behalf of Rebeca Sosa, Miami-Dade County Commissioner, District # 6	A County Commissioner may use the title of her office to engage in campaigning for other political candidates, but she may not use public resources such as County staff, equipment or materials. (JC)
16-39	(c), (d)	Eric Graves, 311 Call Specialist, Miami-Dade County Communication Department	A Communications employee may contract with other County departments through his privately- owned party rental company, but may not contract with the Communications Department. (MDG)
16-40	(w)  <i>directed to</i> City of Miami Code § 2-613  RQO 05-110	Matthew Haber, Assistant City Attorney, City of Miami	Under County Ethic’s rules, City of Miami employees may not accept free registration fees from a City vendor when they travel unless they obtain a waiver from the City Commission. However, Section 2-613 of the City of Miami Code prohibits acceptance of such complimentary registration to an event that does not benefit the City. (JC)
16-41	(v)  <i>directed to</i> Fla. Stat. § 286.012	Lorena Bravo, City Attorney, City of Hialeah	A member of the City of Hialeah’s Planning & Zoning Board (PZAB), a quasi-judicial board, is not prohibited from voting on an application submitted by the councilmember who appointed him to the board because he will not personally benefit from the vote and he has no prohibited relationship with the councilmember. However, because it is a quasi-judicial proceeding, he may abstain from voting under § 286.012, Fla. Stat., if he believes it necessary to ensure a fair proceeding free from potential bias or prejudice. (JC)
16-42	(j), (v), (m), (g), (h)  RQO 07-39 RQO 06-52	Traci Pollock, Special Projects Administrator, MDC Economic Advisory Trust (MDEAT)	A Miami-Dade County Economic Advocacy Trust (MDEAT) board member has a conflict of interest involving his employment at the County as a Juvenile Services Department assessment counselor and his service at the MDEAT because his service at the board would impair his independence of judgment in the performance of his County duties, and vice versa. (MP)



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16-43	(q)  RQO 12-09 RQO 04-33 RQO 09-36	Thomas Marko, Former Employee, Miami-Dade County Water and Sewer Department (WASD)	Pursuant to the two-year rule, a former County employee may not, for two years following his County employment, lobby or attempt to influence any official decision in the County. However, the former County employee may perform routine administrative functions in the County, including ministerial permitting activities. (MP)
16-44	(k), (j)  RQO 07-39 RQO 06-52	Morris Copeland, Dir., Juvenile Svcs. Division (JSD), on behalf of Cathy Burgos, Division Dir. of Operations, Juvenile Svcs. Division (JSD)	No prohibited conflict of interest exists for a JSD employee to engage in outside employment as a paid consultant working with the Florida Department of Juvenile Justice (DJJ), a County provider, in a study conducted by the National Institute on Drug Abuse (NIDA), because her work with DJJ would not impair her independence of judgment in the performance of her County duties. (JC)
16-45	(i)  RQO 13-01	Alice Hidalgo-Gato, Miami-Dade County Internal Services Department, on behalf of Sheila Kierney, Former Board Member	A former board member with the Living Wage Commission, a County advisory board, must file financial disclosure forms for the years during which she was authorized to participate, even if she did not actually participate that year. (MP)
16-46	(q)  RQO 02-139 RQO 04-33 RQO 09-36	Kelly Lau, Human Resources Manager, RER	Pursuant to the two-year rule, former County employees may not, for two years following their County employment, lobby or attempt to influence any official decision in the County, such as meeting with County staff in order to persuade the expedited review or approval of permit applications or discuss permit modifications. However, former County employees may perform administrative work as permit runners in the County. (MP)
16-47	(g), (k)	Fernando Lopez, Supervisor of Graphics, ISD	A County employee is not prohibited from serving as a reference for a County vendor, in response to inquiries concerning the vendor from non-County sources, provided that the employee will not personally benefit or be enhanced financially for providing the reference. (JC)

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16-48	(n), (g)  RQO 07-39 RQO 11-28 RQO 12-07	Russell Benford, County Deputy Mayor	The Deputy Mayor does not have a prohibited conflict of interest where he is a volunteer for a non-profit entity that is included as a service provider in a bidding proposal on a County project on which he would represent the Mayor before the County Commission and sign off on paperwork. Nevertheless, to avoid the appearance of impropriety, it is recommended that he voluntarily remove himself from oversight responsibility in the approval process. (JC)
16-49	Citizens' Bill of Rights, § 5  INQ 15-117	John B. Thompson, Resident, City of Coral Gables	Section 5 of the Citizens' Bill of Rights would not require a city commission to allow an individual to present allegations involving a criminal trespass matter before the commission because the issue is outside of that body's jurisdiction, but would require that the individual be permitted to make a presentation recommending adoption of a city ordinance. (JC)
16-50	(s)(3)(a)  RQO 03-62	Jose Arrojo, Chief Assistant, Miami-Dade State Attorney's Office	Section 2-11.1(s)(3)(a) of the County Ethics Code, which exempts a public officer, employee, or appointee, who appears in his official capacity before the BCC from the lobbyist registration requirements, would permit an Assistant State Attorney to make a presentation to the board regarding issues of concern to the State Attorney without registering as a lobbyist. (JC)
16-51	(e)(2)(b)	Juan Kuryla, Director, Port of Miami	A County employee is not prohibited from accepting a ticket from his wife to the Miami-Dade League of Cities Gala, given to his wife by her employer, FPL, a County vendor, for reasons unrelated to his County employment, where neither the County employee nor his wife have any supervisory oversight over the County contract with FPL. The tickets need not be disclosed since Section 2-11.1(e)(2)(b) of the County Ethics Code, exempts gifts from relatives from the gift provisions. (JC)
16-52	(g)	Robert Meyers, Esq., Weiss Serota Helfman Cole Bierman	A City official may attend the Miami-Dade County League of Cities Annual Gala with his wife, using tickets that were purchased with funds from the official's City expense account, as the expense is sufficiently related to the official's duties and the attendance of his spouse is expected and appropriate. However, it is recommended for transparency purposes that the official present the matter to the City Commission for approval since it involves expenditure of City funds. (JC)

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16-53	(e)(2)(b)  RQO 02-46 RQO 07-28	Robert Meyers, Esq., Weiss, Serota, Helfman, Cole, Bierman	A City official may accept and need not disclose tickets received from a spouse, given to the spouse for reasons unconnected to the City by a donor who is not a city vendor, lobbyist, or contractor. However, if the tickets are then given by the official to City employees and valued in excess of \$100, they must be disclosed by a recipient employee. (JC)
16-54	(j)  <i>directed to</i> Art.III §3, PHT Bylaws  RQO 12-01	Desiree Nugent, Nurse Manager, University of Miami Hospital, Prospective Member of Public Health Trust (PHT)	Under the heightened ethics standard established by the Public Health Trust (PHT), an employee at the University of Miami Hospital (UMH), which is owned and operated by the University of Miami and has a contract with PHT, may not serve as a board member of PHT because under PHT by-laws her relationship with UMH will create an ongoing per se voting conflict for her whenever matters involving UMH come before the PHT Board of Trustees. (MP)
16-55	(i)  <i>directed to</i> Miami-Dade County Code § 2-11.38  RQO 13-01	Samuel E. Wilson, IV, Legislative Assistant, Office of County Commissioner Dennis Moss, District #9	It is recommended that a County board member who was removed from the board pursuant to Miami-Dade Code section 2-11.38, for failing to file financial disclosures for a two-year period, not be re-appointed to another County board, although the ordinance does not address the issue of reappointment. (MDG)
16-56	--  <i>directed to</i> Miami-Dade County Code § 2-11.38	Samuel E. Wilson, IV, Legislative Assistant, for Commissioner Dennis Moss, District #9	Pursuant to the Miami-Dade County Code at Sec. 2-11.38, an individual serving on the Planning Advisory Board cannot simultaneously serve on another County board. (MDG)
16-57	(k)(2)  INQ 05-30 INQ 15-126	Carolina Lopez, Deputy Supervisor, County Elections Department	Pursuant to Section 2-11.1(k)(2) of the County Ethics Code, full-time County employees must file an Outside Employment Statement with the Elections Dept. by noon on July 1st of each year to report the total annual income received in outside employment. Reporting only an hourly wage on the Statement would not accurately reflect the annual income earned by that employee in his or her outside employment. (MDG)

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16-58	(v), (m)(2), (g), (h)  <i>directed to</i> City of Miami Code § 2-612(a)  RQO 10-20 RQO 09-35 RQO 06-52 INQ 16-29	Maria Lievano Cruz, City of Miami Planning and Zoning Board	A City of Miami PZAB board member may serve on the board at the same time that she serves on her homeowners' association, Miami Roads Association, as long as she will not be directly affected by any of the board's actions; she will not vote on matters directly affecting her homeowners' association; she will not appear before the city on behalf of her homeowners' association; and she does not use her official position to gain special privileges or exemptions for her homeowners' association. (MP)
16-59	(g)	Gerald Sanchez, Assistant County Attorney	The daughter of a County employee who works for Commissioner Levine Cava (District #8) and resides in <b>District #5</b> may apply for and accept a summer Internship with Jackson Health System (JHS) because the daughter will apply for the JHS Internship through the District #5 office. No prohibited conflict of interest would arise as long as Commissioner Cava's staff member and the Commissioner herself have no decision-making role in the selection process, and neither seeks to influence the District #5 Commissioner or his staff to benefit the staff member's daughter. (MDG)
16-60	(g), (j), (k), (c)(2), (d), (m)(1)  RQO 09-16	Mirta Santarossa, Court Records Specialist 1, County Clerk of Courts	A full-time employee of the County Clerk of Courts may contract with the County through her privately-owned company, but she may not contract with the County Clerk, the department that employs her, and she may not lobby the County for the contract. (MDG)
16-61	(e)  COE Public Benefit Ticket Policy and Addendum	Matthew Haber, Assistant City Attorney, City of Miami	Complimentary Marlins Ballpark and Miami Open Tennis Tournament tickets provided to the City of Miami pursuant to a contractual obligation or other exercise of public authority, must be distributed in a way that benefits the general public or may be returned to the provider for monetary value to the City. (MP)

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16-62	(f), (j)  RQO 10-08 RQO 12-07	Miriam Singer, Senior Assistant Director, Internal Services Department	County part-time employees who perform maintenance for ISD Facilities and Utilities Management Division should be denied permission to engage in outside employment as temporary part-time employees of Alpha 1, a county vendor that also performs maintenance work for ISD's Facilities and Utilities Management Division. Their outside employment with Alpha 1 is closely related to the work they perform at ISD which would likely create divided loyalties and affect their ability to exercise independent judgment in the performance of their official duties at ISD. (MM)
16-63	(e), (g)  <i>directed to</i> City of Miami Code § 2-613  City of Miami Charter § 4(c)	Matthew Haber, Assistant City Attorney, City of Miami	City officials do not receive a reportable gift when a board member's law firm, which is a vendor to the City, pays for lunch during a workshop that the board is holding, that is open to the public, where there is no entrance fee to the event and the officials attend the workshop in their official capacity. Also, inasmuch as there is a clear public purpose and benefit, no special benefit to the officials, and no quid pro quo arrangement, there would be no violation of Section 2-613 of the City of Miami Code of Ordinances or of Section 4(c) of the City Charter. (MM)
16-64	(x), (v)  RQO 11-14 RQO 11-28	Melvin Payne, Director of Utilities Maintenance Division, MIA	A former Aviation Department director and former FPL employee, who is a current FPL stockholder, may serve on a selection committee and vote on an RFP where FPL submits a bid. The member does not have a prohibited conflict of interest under the County Ethics Code, because he has a minimal financial interest in FPL; will not personally benefit from the vote and has no prohibited business relationship with FPL. (MM)
16-65	(i)	Carolina Lopez, Deputy Supervisor of Elections	A County employee who is required to fill out a Source of Income Form must disclose the income she received from the sale of vacant land in Virginia. Where no address is available, a plat number, lot number(s) or other description that would serve to distinguish a particular piece of land from another would meet the address requirement in the Source of Income Statement. (MDG)
16-66	(bb)  <i>plain meaning</i>  <i>directed to</i> Fla. Stat. §112.3142	Daniella Levine Cava, County Commissioner District #8	Section 2-11.1(bb) of the County Ethics Code requires County and municipal elected officials to take a two-hour ethics course within 90 days after being sworn into office. Completion of the ethics course provided by the COE will satisfy two of the four-hour ethics training requirements required under State law. (JC)

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
16-67	(c)(2), (d)  RQO 00-13	Odalys C. Bello, Bello & Bello Land Surveying Company	The domestic partner of a County employee may contract with the Miami-Dade County Transportation and Public Works Department through her privately-owned land surveying company, but she may not contract with the Miami-Dade County Water & Sewer Dept. that employs her domestic partner; the domestic partner County employee may not lobby the County for the contract; he can have no involvement in determining the contract requirements; and none of his job responsibilities and job descriptions shall require him to be involved in the contract in any way. (MDG)
16-68	(s) 2-11.1(10)  <i>directed to Sunshine Law at Fla. Stat. § 286.011</i>	Beth Spiegel, Council woman, North Miami Beach	A Councilmember may choose to attend a one-on-one meeting with a lobbyist and his client, arranged by the City Manager, on a proposal to build a charter school on the site of the City library (which does not involve a particular RFP, RFQ, or bid), provided the lobbyist is properly registered to lobby pursuant to 2-11.1(s) and the meetings are not used to indirectly transmit communications between Councilmembers. (JC)
16-69	(d)	Mayor Philip Levine, City of Miami Beach	Request for Opinion Withdrawn. (JC)
16-70	2-11.1(b)(13)  RQO 13-03	Thomas Pepe, City Attorney, City of South Miami	The COE does not have jurisdiction to provide binding opinions on organizational conflicts involving potential or current City of South Miami contractors unless the issue involving the private contractor or subcontractor is subject to the County Code of Ethics; the terms of the proposed contract or subcontract provide the COE with the authority to make a binding determination of the issue presented; or pursuant to Section 2-11.1(b)(13) of the Ordinance, the contract staff of the private contractor or subcontractor has been designated by the Manager or the Manager's designee as being required to comply with certain provisions of the Ordinance. (MDG)

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
16-71	(b)(4)  RQO 99-58 INQ 156	Abbie Schwaderer Raurell Assistant County Attorney, Miami-Dade County Attorney's Office	Members of a "Technical Working Group" organized by DERM Staff, in response to a directive from the Board of County Commissioners (BCC) for the Mayor to provide the BCC with a recommendation on wellfield protection issues, are subject to the County Ethics Code, because they fall within the definition of "advisory personnel" (defined as advisory boards whose sole and primary responsibility is to recommend legislation or give advice to the BCC.)  However Members of the Technical Working Group are not required to file financial disclosure statements because only members of a County board (defined as being in existence for more than 1 yr.) are required to file. (MM)
16-72	(g)  <i>directed to</i> Fla. Stat. .§ 112.3135	Victoria Mendez, City Attorney, City of Miami	A City Attorney does not have a prohibited conflict of interest where her husband serves as an unpaid volunteer for the Community Relations Board (CRB), a city board, and she may be asked to advise the City Commission on the efficacy of using the CRB versus creating an entirely new board to provide oversight and feedback to the Miami Police Department (MPD) and the Independent Reviewer pursuant to an agreement with the United States Department of Justice. The City Attorney should disclose the relationship and consider recusing herself if she believes that an appearance of impropriety may be created by her involvement in any action with regard to the CRB. (JC)
16-73	(e), (k) (e)(4)  RQO 02-46 RQO 11-18	Flora Seff, Legal Liason, Miami-Dade Fire Department (MDFR)	A County Fire Rescue employee may not accept a gift in appreciation for the performance of a job-related duty. (JC)
16-74	(e), (g)	George Wysong, Division Chief-General Government Division, City of Miami Office of the City Attorney	City Commissioners, City Board members, and City employees may receive and utilize complimentary tickets provided to the City pursuant to a "Public Benefit Clause," as long as there is a valid public purpose attached to the receipt and use of such tickets. Distribution of public assets for non-public purposes could be construed as exploitation or theft. (JC)

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
16-75	(q), (h)  RQO 12-09 RQO 11-24	Luis Aguiar, Assistant Director, Miami-Dade County Water and Sewer Department (WASD)	Under the two-year rule, a former employee would not be prohibited from working for a County vendor or becoming a County vendor himself. However, the employee would be prohibited from lobbying (i.e., influencing any County decision-makers) on behalf of an employer or himself for two years after his County employment ends. (JC)
16-76	(b)(9), (c), (d), (n), (g)	Lourdes Gomez, Deputy Director, Regulatory Resources, Miami-Dade County Department of Regulatory and Economic Resources	A Deputy Director of RER does not have a prohibited conflict of interest where her cousin represents clients that may appear before various RER divisions. In order to avoid an appearance of impropriety or any possibility of actions that could be considered exploitation of official position, the Deputy Director has instructed her immediate staff to exclude her from any decision or approval where her cousin or any representative of his companies are involved. (JC)
16-77	(d)  RQO 15-04 RQO 07-54	Jamie Sanz, Councilman, Village of Bal Harbour	A Councilman who is employed by Neiman Marcus may participate and vote on a matter regarding whether a church may be granted a conditional use permit in the same shopping center as his employer Neiman Marcus, as neither he nor his employer will be affected in a manner distinct from the public generally by the vote, and he will not, directly or indirectly, profit or be enhanced by the vote. (JC)
16-78	(q) (h)  RQO 12-09	Betty Ortiz- Valdes, President, America Business & Management Services LLC	A former County employee may register as a County vendor, but pursuant to Section 2-11.1(q) (“two-year rule”), she is prohibited from lobbying the County (i.e., influencing any County decision-makers) for 2 years following her County employment. Further, as a former County employee she remains subject to Section 2-11.1(h) of the County Ethics Code, which prohibits her from ever disclosing confidential information she has acquired through her official position with the County, or from ever using such information, directly or indirectly, for her personal gain or benefit. (JC)
16-79	(i)(2) RQO 08-36 RQO 04-198  <i>directed to</i> Fla. Stat. § 112.3145	Joan Dormer, Personnel Specialist 2, ISD	County Departments may create internal policies requiring individuals who have authority comparable to Directors, and Assistant or Deputy Directors, to file financial disclosure forms. (MDG)



INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
16-80	(g)  RQO 05-06	Griselia Digiacom, Council person, Town of Medley	A Council member of the Town of Medley is not prohibited from using, for political campaign purposes, a photograph of herself that is on the Town's website because the photograph is available to the general public as a public record. The official should pay the Town any fee for the photograph that would be required of a citizen requesting the photograph. (JC)
16-81	(i)  <i>directed to</i> Fla. Const. Art. II, § 5(b); Fla. Stat. § 876.05  AGO 99-57	Rolando Iglesias, Small Business Advisory Board	An individual who was nominated to a County advisory board, but did not accept membership to the board by submitting the oath of office to the Clerk of the Board, and did not attend any meetings of the board, is not required to file financial disclosure for the reporting year. (MP)
16-82	(d)  RQO 11-27	Thomas Pepe, City Attorney, City of South Miami, on behalf of City of Miami Commissioner, Bob Welch	A City of South Miami Commissioner may vote on a resolution before the City Commission to donate funds to a non-profit organization for which the Commissioner's wife serves as an uncompensated volunteer, because the Commissioner and his wife would not personally benefit or be enhanced by the vote. (JC)
16-83	<i>directed to</i> Sunshine Law, Fla. Stat § 286.011 AGO 09-19	Michael Grieco, Commissioner, City of Miami Beach	Under the Sunshine Law, members of a public board cannot engage in two-way communications via social media outlets and/or email outside of a public meeting, regardless of whether the communications are filed as public records with the Clerk's Office. (JC)
16-84	(g)  <i>directed to</i> Fla. Stat. § 102.031(4)	Daniel Chatlos, Director of Policy and Legislation, Office of Commissioner, Juan C. Zapata, District # 11	A County employee is not prohibited from participating in a political campaign. However, the County employee is prohibited from using his County position or title to exert any official authority or pressure to affect the outcome of an election, and he may not use County time or resources in the campaign. (MM)

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
16-85	(e)  RQO 02-46	Morris, Copeland, Director of Juvenile Services, Miami-Dade County	The County Ethics Code does not prohibit County employees from accepting complimentary tickets from The Melissa Institute, an entity that is not a County vendor, contractor, service provider, bidder or proposer, to attend its Peace, Harmony & Moonlight Event as long as the tickets are not provided in connection with any County decision or action that may be taken by the recipient. The gift must be reported if its value exceeds \$100. (JC)
16-86	(s)(4), (d)	Leah Aaronson, Esq., Bilzin Sumberg Baena Price & Axelrod LLP	A person who lobbies the County on behalf of a nonprofit community-based organization, on matters other than grant funding, whether paid or unpaid, must register to lobby but is not required to pay the lobbyist registration fee. However he or she is required to complete the lobbyist ethics training course within 60 days of registering and pay the \$100 fee for the course. (JC)
16-87	(i)  <i>directed to</i> Fla. Stat. § 112.3145 (1)(3)(a)	Fernando Infante, Chiller Plant Lead Operator, Miami-Dade County Internal Services Department (ISD)	A County employee who has purchasing authority of over \$20,000 is required to file State Form 1 Financial Disclosure Statement with the Department of Elections in order to satisfy Sec. 2-11.1(i) of the County Ethics Code's disclosure requirement. (MP)
16-88	(j), (g), (h), (m)(1)	Cheryse Burgos Santos, Associate Vice President, Department of Managed Care Contracting, Jackson Health System (JHS)	A Jackson Health System (JHS) employee engages in outside employment when she has the ability to earn commissions as an independent distributor for Young Living Essential Oil (YLEO). The employee does not have a conflict of interest involving her employment at JHS and her work as an independent distributor for YLEO because the work is unrelated to her JHS employment, and will take place outside of her JHS employment hours. (MP)

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
16-89	((j), (g), (h), (m), (n), (c), (p), (k)(2), (f) AO 7-1 RQO 15-03 RQO 12-11	Alex Munoz, Director, Animal Services Division	A conflict of interest is created where the County's Veterinarian, Veterinary Technicians and Chief of Veterinary Services engage in outside employment providing the same veterinary services they perform for the County to service providers contracting with their department. (MP)
16-90	(i)(2) RQO 08-36 INQ 03-56 INQ 05-23 INQ 15-58 <i>directed to</i> Fla. Stat. § 112.3145	Jessica Vallejos-Landestoy, Statistics and Research Specialist, Miami-Dade County Juvenile Services Department	While Section 2-11.1(i)(2), of County Ethics Code does not specifically require that <b>Assistant Department Directors, Division, Deputy Directors, etc.</b> , file financial disclosure forms, the Ethics Commission has previously opined in both formal and informal opinions that County Departments may create internal policies requiring additional personnel such as these employees to file financial disclosure forms where such positions are comparable in authority and responsibility to that of a Department Director or Assistant Director. (MDG)
16-91	<i>directed to</i> Sunshine Law, Fla. Stat. § 286.011  AGO 92-42 AGO 98-28	Latori Foster, Senior Professional Services Specialist, Miami-Dade County Small Business Development Dept.	A County board must have a quorum physically present for any matter on which it votes. Further, board members cannot submit their votes electronically; they must be physically present in order to participate in a board meeting and vote. (JC)
16-92	(e)(4)  <i>directed to</i> Fla. Stat. § 112.3148	Eddie Kirtley, Assistant County Attorney, Miami-Dade County	An Assistant County Attorney may accept two complimentary VIP Courtside tickets to the Miami Open Tennis Tournament from Lacoste, provided to him as a regular Lacoste customer, because there is no connection between the gift and any duty he may have or will perform in his public position. If the value of the gift exceeds \$100, he must report the gift on the County's quarterly disclosure form. (JC)

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
16-93	(e)(2)(g), (g)  RQO 08-25	Eddie Kirtley, Assistant County Attorney, Miami-Dade County	Pursuant to an exemption provided in Sec. 2-11.1(e)(2)(g) of the County Ethics Code, an Assistant County Attorney may use his name and title to solicit donations for the Perez Art Museum's Children's Department, a 501 (c)(3) non-profit organization. The donations will be utilized solely by that organization and neither he nor any member of his office will receive any benefit as a result of the solicitation. (JC)
16-94	(s)(10)  <i>directed to</i> City of Miami Code § 654(e)	Xavier Alban, Assistant City Attorney, City of Miami	City of Miami employees may check the list of registered lobbyists provided by the City Clerk of the City of Miami to verify that a lobbyist has met the City's lobbyist requirements before permitting the lobbyist to lobby him or her. However, in the event that the name of the individual involved in the lobbyist activities does not appear on the list provided by the City Clerk, the employees should make a separate inquiry to the City Clerk to determine the lobbyist's registration status before permitting the lobbyist to lobby them. (JC)
16-95	(e)(4)  <i>directed to</i> Fla. Stat. § 112.3148(4)	Megan Alexander, City Clerk, City of Palmetto Bay	Pursuant to Chapter 112, Florida Statutes, municipal officials required to report gifts over \$100, must file financial disclosure under State Form 9. (MDG)
16-96	(e)(2)(f), (e)(2)(g), (e)(3)  RQO 06-05 RQO 08-25	Jose Pepe Diaz, Miami-Dade County Commissioner, District #12	The County Ethics Code does not prohibit a County Commissioner from utilizing his official title and stationery to solicit donations for a private non-profit veterans support organization endorsed by the County Commission, because the non-profit organization is exempted under Section 2.11.1(e)(2)(g), as a qualified Section 501(c)(3) non-profit organization, and neither the Commissioner nor his staff will receive a personal benefit as a result of the solicitation. (JC)

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
16-97	(d), (v) INQ 14-67 INQ 14-244  <i>directed to</i> Fla. Stat. §§112.012, 112.3143(3)	Thomas Pepe, City Attorney, City of South Miami	Elected officials and/or board members with a voting conflict must announce the conflict publicly prior to the discussion on the item, absent themselves from the room, and file the State Conflict Disclosure form (Form 8B) with the Clerk's Office within 15 days after the vote. (JC)
16-98	Citizens' Bill of Rights, § (A)6	Nick Kallergis, Assistant City Attorney, City of Miami Beach	The language, "pursuant to the City's land development regulations," proposed by the City of Miami Beach City Attorney's office, satisfies the Citizen's Bill of Rights requirement regarding statement of legal authority in a notice for a municipal hearing. (JC)
16-99	(c)(2), (c)(5)(5)  RQO 12-06	Enid Turner, Finance and Budget Analyst, Revenue Accounting PHCD	A County employee who works for PHCD, may not contract with the PHCD or participate in the Housing Choice Voucher Program, as he/she is employed by the County department that will enforce, oversee, or administer the contract. (MDG)
16-100	(d)	Rebecca Sosa, Miami-Dade County Commissioner, District #6	A County Commissioner who is employed by the School Board may vote on a resolution asking the Mayor to collaborate with the State Attorney's Office and the Miami-Dade Public Schools to develop a curriculum to educate students regarding human trafficking, because the Commissioner's position with the School Board, a government entity, is not connected to the program, and she will not, directly or indirectly, profit or be enhanced by the vote. (JC)

INQ #	County Code at Sec. 2-11.1 Precedent, or other as noted	Requester	Holding
16-101	(b)  RQO 06-41 RQO 09-42	Robert Meyers, Esq., Weiss Serota Helfman Cole & Bierman, P.L.	Pursuant to Subsection 2-11.1(b) of the County Ethics Ordinance, the Miami-Dade Expressway Authority is a state-created entity not subject to the County Ethics Code. (JC)
16-102	(e)(3), (e)(4), (w)	Gerald Sanchez, Assistant County Attorney, Miami-Dade County Attorney's Office	The liaison from Miami-Dade Police Department to the Miami-Dade Military Affairs Board, a County advisory board, may accept a free plane ticket provided by the National Drug Court Initiative (NCDI), a 501(c)(3) non-profit organization, for the purpose of having that individual view an out-of-state Veterans Court. The paid travel is permissible because there is no connection to any official County action; the travel expenses are not being paid by a County vendor, contractor or other service provider; and the entity is not a County lobbyist, contractor or political committee. (JC)