
FW: INQ 16-09 Yabor

From: Ethics (COE)

Sent: Friday, January 15, 2016 9:40 AM

To: 'Rick Yabor' <rick.yabor@yaborlaw.com>

Cc: Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>; Murawski, Michael P. (COE) <MURAWSK@miamidade.gov>; Sanchez, Gerald (CAO) <gks@miamidade.gov>

Subject: INQ 16-09 Rick Yabor, Esq. (Employee Protection(Whistleblower) Ordinance; Exploitation)

Mr. Yabor:

You have inquired regarding the applicability of the County Employee Protection Ordinance (Sec. 2-56.28.12 et seq., Miami-Dade Code) to municipal employees). This ordinance, commonly referred to as the “Whistleblower” ordinance is applicable to only county employees and not to municipal employees. Municipalities within Miami-Dade County may adopt their own ordinance pursuant to Section 112.3187(8)(b) and provide jurisdiction to the County Ethics Commission to enforce such provision. In the absence of such a locally-adopted ordinance, a municipal employee may not apply for relief to the Ethics Commission under the County Employee Protection Ordinance.

Section 2-11.1(g), Exploitation of Official Position, is applicable to municipalities and to all municipal officials and employees in Miami-Dade County. An employee who has suffered some detriment as a result of a municipal official’s or employee’s use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself may be in a position to file a complaint with the Ethics Commission under this provision.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel

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From: Rick Yabor [<mailto:rick.yabor@yaborlaw.com>]

Sent: Thursday, January 14, 2016 4:45 PM

To: Ethics (COE) <ethics@miamidade.gov>

Subject: Ethics Question on Whistleblower

I have a question regarding filing a Whistleblower complaint. It appears that the complaints are solely for county employees, is this correct?

If my client is a municipal employee and that municipality's ordinances do not defer whistleblower complaints to the ethics commission, then am

I correct in concluding that the Ethics Commission has no jurisdiction?

Thanks

Rick

Rick L. Yabor

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