
INQ 16-183 Lopez

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, July 20, 2016 10:45 AM
To: Lopez, Carolina D. (Elections) <LOPEZC@miamidade.gov>
Cc: Centorino, Joseph (COE) <CENTORI@miamidade.gov>; Murawski, Michael P. (COE) <MURAWSK@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Carolina Lopez, Deputy Supervisor of Elections, (Financial Disclosure) INQ 16-183

Dear Carolina:

You have inquired whether the Commissioners of the Miami-Dade County Ethics Commission (COE) file a County Source of Income Statement or State financial disclosure forms (Form 1 or Form 6).

Generally, COE Commissioners file a County Source of Income Statement. Attached is a letter from the Florida Commission on Ethics (FCOE) to the COE dated April 5, 2006, that specifies that only those that fall within the definition of "local officers" set out in Section 112.3145, Florida Statutes, would file a State financial disclosure form. I am also attaching an email from the FCOE from February of this year that clarifies that members of a local Commission on Ethics are not considered "local officers" as defined in Section 112.3145, Florida Statutes.

Thus, a COE Commissioner would file a State financial disclosure form (1 or 6) if any other position that he or she held (for example serving as a judge), would require him or her to file a State form. Therefore, the COE Chair, Judge Lawrence Schwartz, would file a State Form 6. Otherwise, COE Commissioners would file the County Source of income Statement.

I hope this is helpful. Please do not hesitate to contact me if you have any further questions.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
gdiazgr@miamidade.gov
www.facebook.com/MiamiDadeEthics

From: Sanchez, Rodzandra (COE)
Sent: Monday, July 18, 2016 12:34 PM
To: Lopez, Carolina D. (Elections) <LOPEZC@miamidade.gov>
Cc: Financial Disclosures (Elections) <FINDISCELEC@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: RE: Confirmation of filed Source of Income Statements for COE Board

I will ask Mimi about that...

From: Lopez, Carolina D. (Elections)
Sent: Monday, July 18, 2016 12:16 PM
To: Sanchez, Rodzandra (COE)
Cc: Financial Disclosures (Elections)
Subject: RE: Confirmation of filed Source of Income Statements for COE Board

That would be correct; however, my bigger concern is that we were never given the COE Board members as having to file FD with our office and I have asked the COB in the past to opine. Do you have any other information on this topic, thanks.

Carolina D. Lopez
Deputy Supervisor of Elections
Government Affairs Division
Miami-Dade County Elections Department
[2700 NW 87th Avenue](#)
[Miami, Florida 33172](#)
[305-499-8409](#) Office
[305-495-7557](#) Mobile
<http://www.miamidade.gov/elections>
"Delivering Excellence Every Day"

From: Sanchez, Rodzandra (COE)
Sent: Monday, July 18, 2016 11:51 AM
To: Financial Disclosures (Elections) <FINDISCELEC@miamidade.gov>
Subject: FW: Confirmation of filed Source of Income Statements for COE Board

FYI

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, July 18, 2016 11:46 AM
To: Sanchez, Rodzandra (COE)
Subject: RE: Confirmation of filed Source of Income Statements for COE Board

Rodzandra:

My understanding is that Judge Schwartz files a State Form 6, and that he has filed it for 2015. Given that State Form 6 is filed with the Florida Commission on Ethics in Tallahassee, verification of his filing would have to be with the State.

Hope this helps and keep me posted.

Thanks,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
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From: Sanchez, Rodzandra (COE)
Sent: Monday, July 18, 2016 11:21 AM
To: Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: FW: Confirmation of filed Source of Income Statements for COE Board

FYI

From: Financial Disclosures (Elections)
Sent: Monday, July 18, 2016 11:11 AM
To: Ceden, Rachelle (COE)
Cc: Financial Disclosures (Elections); Knowles, Keith (COC); Cave, Linda (COC); Smith, Loren (COC); Sanchez, Rodzandra (COE); Olmo, Nilda (COE)
Subject: RE: Confirmation of filed Source of Income Statements for COE Board

Good morning Ms. Ceden,

All COB board members have filed with the exception of Judge Lawrence A. Schwartz. Please see screenshot below.

	<u>ID</u>	<u>Year</u>	<u>Type</u>	<u>Organization</u>	<u>First Name</u>	<u>Last Name</u>
<u>Select</u>	FD010848	2015	B	DADE- MIAMI COMMISSION ON ETHICS	NELSON	BELLIDO
<u>Select</u>	FD017886	2015	B	MIAMI-DADE COUNTY - COMMISSION ON ETHICS & PUBLIC TRUST	JUDITH	BERNII
<u>Select</u>	FD003343	2015	O	MIAMI-DADE COUNTY - COMMISSION ON ETHICS & PUBLIC TRUST	JEFF	CUTLEI
<u>Select</u>	FD018017	2015	O	DADE- MIAMI COMMISSION ON ETHICS	MARCIA	NARINE

Regards,
Financial Disclosure Section
Government Affairs and Media Relations Division
Miami-Dade County Elections Department
2700 NW 87th Avenue
Miami, Florida 33172

From: Cedeno, Rachelle (COE)
Sent: Friday, July 01, 2016 10:20 AM
To: Bofill, Carmen (Elections) <CBOFILL@miamidade.gov>
Cc: Financial Disclosures (Elections) <FINDISCELEC@miamidade.gov>
Subject: Confirmation of filed Source of Income Statements for COE Board
Importance: High

Good morning Ms. Bofill,

In an abundance of caution I am re-confirming that our COE Board has filed their Source of Income Statements with Elections.

- Nelson C. Bellido
- Judith D. Bernier
- H. Jeffrey Cutler
- Marcia Narine
- Judge Lawrence A. Schwartz

Thank you and have a safe and Happy 4th ☺

Rachelle Cedeño
Miami-Dade Commission on Ethics and Public Trust
19 West Flagler Street, Suite 820
Miami, Florida 33130
305-579-2594
305-579-0273
cedeno@miamidade.gov

Diaz-Greco, Gilma M. (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, February 29, 2016 3:53 PM
To: Murawski, Michael P. (COE)
Subject: FW: Question-Miami-Dade County Commission on Ethics
Attachments: Miami-Dade County.pdf

From: Holmes, Kim [mailto:HOLMES.KIM@leg.state.fl.us]
Sent: Monday, February 29, 2016 3:11 PM
To: Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: Question-Miami-Dade County Commission on Ethics

Hi Mimi,

Sorry for the delay in responding to your inquiry regarding if members of the Miami-Dade County Commission on Ethics are required to file financial disclosure.

Florida law requires financial disclosure of all "local officers." The term "local officer" is defined to mean:

1. Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.
2. Any appointed member of any of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state:
 - a. The governing body of the political subdivision, if appointed;
 - b. A community college or junior college district board of trustees;
 - c. A board having the power to enforce local code provisions;
 - d. A planning or zoning board, board of adjustment, board of appeals, community redevelopment agency board, or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and such other groups who only have the power to make recommendations to planning or zoning boards;
 - e. A pension board or retirement board having the power to invest pension or retirement funds or the power to make a binding determination of one's entitlement to or amount of a pension or other retirement benefit;or
- f. Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

Per our telephone conversation, I advised that members of a local Commission on Ethics are not considered "local officers" as defined in Section 112.3145(1)(a), Florida Statutes. However, I would note that Section 112.3145(1)(a)2f allows the County Commission to require members to file a statement of financial interests by enabling legislation, ordinance, or resolution creating the board.

Additionally, I did some research and located a letter regarding financial disclosure by local officials dated April 5, 2006 addressed to Ardyth Walker. I think this letter will also assist in answering your question.

If you need further assistance, please do not hesitate to contact me.

Kim

Kimberly R. Holmes
Program Administrator
Financial Disclosure Section
Florida Commission on Ethics
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Tallahassee, FL 32317-5709
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(850) 488-3077 (Fax)
www.ethics.state.fl.us

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STATE OF FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION

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MICHAEL L. SCHNEIDER
EXECUTIVE DIRECTOR GENERAL
COUNSEL

ALEXANDER J. WILLIAMS
ASSISTANT GENERAL COUNSEL

March 23, 2016

MEMORANDUM

TO: To all Judges of the Florida Supreme Court, District Courts of Appeal, Circuit Courts, County Courts and Retired/Senior Judges

FROM: Michael L. Schneider, General Counsel 

SUBJECT: Financial Disclosure Reports for Calendar Year 2015

Financial disclosure records must be filed with the **Commission on Ethics** and the **Judicial Qualifications Commission (JQC)**. Article II, Section 8 of the Florida Constitution and Canons 6B and 6C require the following to be filed for calendar year 2015. The forms must be filed on or before **July 1, 2016**.

1. **Form 6, Full and Public Disclosure of Financial Interests**

File the **original** with the **Commission on Ethics**. File a complete **copy** with attachments with the JQC. If a copy of the 2015 Income Tax Return is filed with the Commission on Ethics, then a copy must be filed with the JQC.

2. **JQC Form 6A, Gift Disclosure**

File the **original** with the **Commission on Ethics**. File a **copy** with the JQC.

3. **JQC Form 6B, Report of Business Interests (Confidential)**

File the **original** with the JQC only.

Forms may also be downloaded from the Commission on Ethics' website at www.ethics.state.fl.us.

Filing instructions: You may scan and email the forms in .pdf format, all as one document, (Form 6, and attachment(s), followed by 6A, followed by 6B) to Mcook@floridajqc.com, we will acknowledge receipt by return e-mail. Or, you may mail the required forms to the JQC, P.O. Box 14106, Tallahassee, FL 32317, **unstapled**, and preferably in one envelope.

If we may be of further assistance, please do not hesitate to contact us.

MLS/mc

JUDICIAL QUALIFICATIONS COMMISSION FORM 6A

Canon 6B(2), Code of Judicial Conduct

GIFT DISCLOSURE

All judicial officers must file with the Commission on Ethics on or before July 1 of each calendar year on the form set forth below a list of all gifts received during the previous calendar year of a value in excess of \$100.00, as provided in Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

NAME: _____ TELEPHONE: _____

ADDRESS: _____

POSITION HELD: _____

Please identify all gifts you received during the preceding calendar year of a value in excess of \$100.00, as required by Canon 5D(5) and Canon 6B(2) of the Code of Judicial Conduct.

<u>Source</u>	<u>Value</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I certify that the foregoing list is complete, true and correct.

JUDGE

OATH

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____,
by _____ (name of person making statement).

(NOTARY SEAL)

(Signature of Notary Public-State of Florida)

(Name of Notary Public-Typed, Printed or Stamped)

Personally Known _____ OR Produced Identification _____
Type of Identification _____
Produced _____

(ORIGINAL OF THIS FORM FILED WITH COMMISSION ON ETHICS; COPY FILED WITH JUDICIAL QUALIFICATIONS COMMISSION)

JUDICIAL QUALIFICATIONS COMMISSION FORM 6B
Canon 6C, Code of Judicial Conduct

REPORT OF BUSINESS INTERESTS

Corporate or other businesses in which the undersigned has or had an interest at any time during 20__:

NAME

ADDRESS

I certify that the foregoing list is complete, true and correct.

JUDGE

OATH

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this ____ day of _____,
20____, by _____ (name of person making statement).

(NOTARY SEAL)

(Signature of Notary Public-State of Florida)

(Name of Notary Public-Typed, Printed or Stamped)

Personally Known _____ OR Produced Identification _____
Type of Identification _____
Produced _____

***Note:** If above space is insufficient to list all required, please attach additional pages(s).

(TO BE FILED ONLY WITH THE JUDICIAL QUALIFICATIONS COMMISSION, POST OFFICE BOX 14106, TALLAHASSEE, FLORIDA 32317, ON OR BEFORE JULY 1 OF EACH CALENDAR YEAR.)

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COMMISSION ON ETHICS

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April 5, 2006

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Ardyth Walker, Esquire

Staff General Counsel

Miami-Dade County Commission on Ethics and Public Trust

19 West Flagler Street, Suite 207

Miami, FL 33130

Re: Opinion Request – Financial Disclosure

Dear Ms. Walker:

I was asked to respond to your inquiry about financial disclosure by local officials. You have asked whether Section 112.3145, Florida Statutes, provides the only method for filing financial disclosure for local officials and employees, regardless of whether the requirement arises out of a state law or county ordinance.

As you may know, Section 112.3145(1)(a), Florida Statutes, defines who is a "local officer" for purposes of Section 112.3145 financial disclosure. Section 112.3145(1)(a)2.g. contains a "local option" provision and it states:

Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

Although Miami-Dade County could use this provision to require appointed members of local boards to file CE Form 1, it would not pertain to those public officials and employees who are neither appointed board members nor otherwise considered to be among the "local officers" listed in Section 112.3145, Florida Statutes.

However, Section 112.326, Florida Statutes, provides:

Additional requirements by political subdivisions and agencies not prohibited.—Nothing in this act shall prohibit the

Ardyth Walker, Esquire

April 5, 2006

Page 2

governing body of any political subdivision, by ordinance, or agency, by rule, from imposing upon its own officers and employees additional or more stringent standards of conduct and disclosure requirements than those specified in this part, provided that those standards of conduct and disclosure requirements do not otherwise conflict with the provisions of this part.

This provision allows Dade County to impose additional or more stringent disclosure requirements on its officers and employees.

For persons who are "local officers" for purposes of Section 112.3145, Florida Statutes, they would be required to use the CE Form 1 when filing disclosure. However, other county officers and employees who are required by ordinance (and not Section 112.3145) to file disclosure would appear to have the option of using the CE Form 1 or one of the other methods specified in your ordinance. Pursuant to the language in Section 112.326, Florida Statutes, I am of the view that CE Form 1 is **not** the only method for filing financial disclosure when the requirement to file arises out of county ordinance.

I hope this answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

Julia Cobb Costas
Senior Attorney