

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, May 25, 2017 3:44 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Russell Baker, Accountant 3, Miami-Dade County Community Action and Human Services Department (Travel Expenses, Section 2-11.1(w) INQ 17-143

INQ 17-143 Baker

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**From:** Centorino, Joseph (COE)  
**Sent:** Thursday, May 25, 2017 3:33 PM  
**To:** Baker, Russell (CAHSD) <Russell.Baker@miamidade.gov>  
**Cc:** Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>  
**Subject:** INQ 17-143 Russell Baker, Accountant 3, Miami-Dade County Community Action and Human Services Department (Travel Expenses, Section 2-11.1(w)

Mr. Baker,

You have inquired, in your capacity as Accountant 3 at the Miami-Dade County Community Action and Human Services Department, concerning whether it would violate the County Ethics Ordinance for your agency, which includes the Head Start/Early Head Start Programs funded by the County, to approve the payment by one of your delegate agencies, the Allapattah Community Action agency (ACA) for the travel of a County employee engaged in outside employment for ACA. You have informed that you are involved in the approval of this request from ACA. The employee involved is Maria Abreu, a Supervisor in the office of the Miami-Dade County Commission Auditor. Ms. Abreu has been employed outside of her County duties by ACA in connection with the Head Start services provided by ACA as a delegated agency of the County. The ACA would like to pay for Ms. Abreu to attend a National Head Start Conference Training program in Salt Lake City.

You have also informed that the ACA receives funding from the County in the amount of \$499,000 for the current year for the provision of the delegated services in the Allapattah area. The payment of the suggested travel expenses would come out of this funding. In effect, ACA is a County contractor based upon its agreement with your agency to provide these services. I have also determined that ACA is a non-profit corporation registered with the State of Florida as Allapattah Community Action, Inc. The proposal is for ACA to pay for the travel and, presumably for other travel-related expenses involved in sending Ms. Abreu to this conference. I have conferred with Orky Rodriguez, acting Director of the Commission Auditor office while the Acting Commissioner Auditor, Neil Singh, is out of town. Ms. Rodriguez informed me that the agency is aware of Ms. Abreu's outside employment with ACA, and that it has given approval to this outside employment. Ms. Rodriguez also indicated that the office of Commission Auditor does not oversee CAHSD and that Ms. Abreu's duties with the Commission Auditor's office do not cause her to interact in any substantive way with CAHSD regarding its budget or program activity.

Section 2-11.1(w) of the County Ethics Code has a broad prohibition against acceptance by County employees of any travel or travel-related expenses, directly or indirectly, from any County contractor, vendor, service provider, bidder or proposer." ACA, as a contracting non-profit corporation, is not a governmental entity that is exempted from the provisions of Section 2-11.1(w). The only way to avoid the prohibition in that section is to be granted a waiver by a majority vote of the Board of County Commissioners (BCC).

Based on the prohibition in Section 2-11.1(w), it is my opinion that Ms. Abreu may not accept the proffered expense-paid trip from ACA, absent a waiver by the BCC.

Please contact me should you have any further questions.

Sincerely,

Joe Centorino

*Joseph M. Centorino*


Executive Director and General Counsel  
Miami-Dade Commission on Ethics and Public Trust  
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**From:** Baker, Russell (CAHSD)  
**Sent:** Tuesday, May 23, 2017 3:28 PM  
**To:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Subject:** Question about ethics and a county employee working as a consultant

Hi Mr. Centorino,  
The Head Start and Early Head Start program of Miami-Dade County funds 17 delegate agencies throughout Miami-Dade County to provide Head Start and Early Head Start services to low income families. One of our delegate agencies hired a woman to do financial consulting work for its Head Start program. This woman, who is also a County employee, through her company does all financial duties for this delegate in relation to the Head Start program. This consultant provides a bill to the delegate and delegate pays the consultant for services provided with funds that are provided from Miami-Dade County. The delegate is requesting us to approve travel for this woman to attend a Head Start conference which we will reimburse the delegate for all this woman's travel expenses. I wanted your opinion about this matter because we do not feel comfortable approving this person to travel for this conference assuming she will probably use annual leave from her County job to attend this conference.

**Russell W. Baker**  
**Accountant 3**  
**Miami-Dade County Community Action and Human Services Department**  
**Head Start / Early Head Start**  
 **Tel: 786-469-4636**

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