

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, August 15, 2017 3:41 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Johnny Farias, Councilmember District 15, Exploitation re use of banner, INQ 17-201
Attachments: Proof BC for Johnny Farias-Council Member-RER.pdf

[INQ 17-201 Farias](#)

From: Perez, Martha D. (COE)
Sent: Tuesday, August 15, 2017 3:14 PM
To: Johnny Farias <councilmanjohnnyfarias@gmail.com>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Johnny Farias, Councilmember District 15, Exploitation re use of banner, INQ 17-201

Good afternoon Mr. Farias,

You inquire whether you may use your official title in a banner to be exhibited at an upcoming Farm Share event in Goulds Park.

Background

You are the Community Councilmember for Miami-Dade County District 15. You are hosting a Farm Share event at Goulds Park on August 25, 2017. Farm Share is a 501 (c)(3) non-profit organization dedicated to the recovery, packing, sorting and distribution of nutritious food to people in need (i.e., homeless shelters, churches, soup kitchens, individuals who cannot afford to pay for food).

Analysis

Under some circumstances, the use of one's official title may constitute Exploitation of Official Position under Section 2-11.1(g) of the County Ethics Code. However, as I explained to you in INQ 16-277, the use of one's official title may be permissible, provided it is used for identification purposes and not for personal gain or benefit or to promote one's private business interests. In INQ 15-175, the Ethics Commission staff opined that a Miami-Dade County deputy mayor may use his official title in correspondence concerning a fundraising event on behalf of a bona fide 501 (c)(3) organization. *See also* INQ 16-220 (the use of one's official title on a shirt identifying her as a public official is permissible provided the use of the title is to identify and not intimidate); INQ 14-205 (the use of identifying apparel does not constitute exploitation of official position provided it is not used to exert any official authority or pressure and is used merely as a means of identification).

Consequently, the County Ethics Code does not prohibit you from identifying yourself as a Councilmember in a banner exhibited at an event on behalf of Farm Share. However, because this is not a County government event, you should not use any public resources (i.e., the banner should not be County-issued) and should not use your official title for personal gain or benefit.

This opinion is based on the facts as presented. If any of these facts are not accurate or change in the future, please contact us.

Sincerely,

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

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From: Johnny Farias [<mailto:councilmanjohnnyfarias@gmail.com>]

Sent: Sunday, August 13, 2017 11:06 AM

To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>

Subject: Banner

Good Morning, I am writing because I have asked my office staff and they directed me to this department for my question.

My question is this, On Aug, 25 2017 from 9 AM to 1 PM I will be hosting a farm share event at Goulds Park. The event has already been approved and the permit also has been approved. What I would like to know is can I have a banner with my Name, Position and maybe picture for this event. It will be almost exactly as the Business card that was given to us by the County except without the personal info as telephone, address...

I have attached the proof BC of what the County issues us, so you see what it has.

Thank You,

Councilman Johnny G Farias

District 15 SubArea 154

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DATE

ORDER #16508

MIAMI DADE COUNTY • DEPT OF REGULATORY & ECO RESOURCES

BUSINESS CARD Size: 3.5" x 2" Qty: 1 Box (of 1000) Inks: Black

PO#



Johnny G. Farias
Council Member
Community Council 15

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Homestead, Florida 33033

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CouncilmanJohnnyGFarias@Gmail.com



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