

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, September 28, 2017 10:33 AM
To: Sanchez, Rodzandra (COE)
Subject: Elizabeth Shannon, Assistant Curator, Vizcaya Museum and Gardens, Outside employment with County vendor, (k), (j), INQ 17-236

INQ 17-236 Shannon

From: Perez, Martha D. (COE)
Sent: Thursday, September 28, 2017 10:13 AM
To: Shannon, Elizabeth (Vizcaya) <Elizabeth.Shannon@vizcaya.org>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Elizabeth Shannon, Assistant Curator, Vizcaya Museum and Gardens, Outside employment with County vendor, (k), (j), INQ 17-236

Dear Elizabeth,

You inquire whether there may be a conflict between your County employment as Assistant Curator of the Vizcaya Museum and Gardens (Vizcaya) and your outside employment as Adjunct Professor at Florida International University (FIU).

Background

You are the Assistant Curator for Vizcaya's Collections and Curatorial Affairs, a division responsible for the management, research, conservation and display of the museum's historic art collections. Among your duties and responsibilities, you administer and oversee the Contemporary Arts Program Lab initiative (CAP Lab). CAP Lab is an ongoing academic partnership between Vizcaya and FIU's College of Communication, Architecture and the Arts, which exposes MFA (Master of Fine Arts) candidates from FIU and University of New Mexico to theories and practices of site-specificity by fostering interactions between the students and working artists through Vizcaya's Contemporary Arts Program. See "One Night 'Lost Village' exhibit explores historic Vizcaya Village", *Miami, December 1, 2016*. You oversee the program along with three other colleagues. There are currently four (4) FIU- MFA students and four (4) Univ. of New Mexico art students participating in CAP Lab.

Specifically, "CAP Lab will explore the 2017/2018 CAP exhibition *Overload*. A core objective of this project emphasizes engagement and we invite student artists to consider how the activation of senses can alter the experience of a space. In the case of Vizcaya, that experience often has a static quality that we wish to challenge with this exhibition. Sensory activation may consider Vizcaya's past, present and future; Vizcaya's rich native, sub-tropical landscapes; Miami as a community then and now and Vizcaya's place in the city; the experiences of the people who lived and worked at the estate in the past, or the experiences of the people who visit and work at the estate today; the myriad intersections of old and new, American and European, people and ideas. Students will use Vizcaya and the *Overload* exhibition as a lens to explore site-specific work. Students will develop a proposal for a project to be installed in the Village for a week long exhibition." See response email

Your role in the program is primarily administrative and you will have minimal direct contact with the student participants.

Your outside employment consists of teaching a course, World Art History Survey 1, on Mondays and Wednesdays starting at 6:25 pm, after County hours. The course ends on December 13, 2017. The course consists of a textbook and

lecture-based survey of art history, from the Stone Age to Italian Renaissance. The teaching will take place at FIU. *None of the students or the faculty participating in the CAP Lab have any involvement with the art history course you will be teaching.*

Your Vizcaya supervisor has expressed approval of your outside employment; however, he/she requested clarification on whether it is appropriate to engage in outside employment with FIU, a County vendor.

Analysis

The County Ethics Code at Section 2-11.1(j) prohibits a County employee from accepting outside employment that would impair his or her independence of judgment in the performance of his or her public duties. The intent of this ordinance is to ensure that “public employees avoid any and all situations that represent, or appear to represent, conflicts between their personal interests and their public duties...” See County’s Administrative Order No. 7-1. Generally, the County Ethics Code does not prevent an employee from being employed by a County vendor, as long as the employee does not have any involvement with the vendor’s contract. See INQ 11-25; INQ 11-67; INQ 15-115. For example, the closer the County employee’s involvement with the management, oversight or enforcement of the business relationship between the County and his or her outside employer, the more opportunity exists to be in a position where he or she may benefit the outside employer to the detriment of the County. See RQO 16-02

Based on the facts presented, your outside employment is not likely to impair your independence of judgment in the performance of your public duties because, although you will be one of four employees administering the CAP Lab which includes four FIU participants, the program has no connection to your adjunct lectureship at FIU: The CAP Lab partnership was instituted approximately three (3) years ago and you did not have any involvement with the implementation or partnership agreement of the program; *the objectives of CAP Lab and the description of the art history course at FIU are completely different; CAP Lab FIU students will not be taking the course; FIU faculty involved with CAP Lab is not involved with your outside employment; and, your supervisor has expressed approval of this teaching opportunity.* Consequently, your outside employment does not present a conflict as long as you set apart your duties as Assistant Curator overseeing CAP Lab (when you are on County time) and your teaching as an Adjunct at FIU.

In accordance with Section 2-11.1(f) of the County Ethics Code, you must complete an Affidavit with the Miami-Dade County Clerk of the Courts disclosing your employment with a County vendor. You are also cautioned that a County employee is prohibited from using County time or resources in furtherance of his or her outside employment (Section 2-11.1[g]); a County employee is prohibited from using any confidential information acquired as a result of his or her County employment (Section 2-11.1[h]); and, a County employee is prohibited from representing his or her outside employer in any matter before the County (Section 2-11.1[m][2]). In the event that Vizcaya has to appear before the BCC or other County agency on a matter impacting FIU, you should delegate that task to the other colleagues administering the program.

Finally, you are reminded that you are required to obtain permission to engage in outside employment on an annual basis and file an Outside Employment Statement with the County’s Elections Department by July 1st of each year. See AO 7-1, Section 2-11.1(k)(2), County Ethics Code.

This opinion is based on the facts as presented. If any of these facts change, please contact us.

Sincerely,

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

19 West Flagler St. Suite 820

Miami, FL 33130

(305)350-0656

PEREZMD@miamidade.gov

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From: Shannon, Elizabeth (Vizcaya)
Sent: Wednesday, September 27, 2017 12:17 PM
To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: RE: Outside employment question: working for a County vendor

Thank you for your email Martha, and for being so helpful on the phone. I've tried to answer your questions below. Please don't hesitate to let me know if you require further information about any particular area. I will do my best to fill in any gaps!

In answer to your questions:

- 1) I teach at FIU on Mondays and Wednesdays from 6:25pm-7:40pm. The course ends on December 13, 2017. This employment is undertaken outside of my work hours.
- 2) I am currently working (with 3 other colleagues) on a project called CAP Lab (Contemporary Arts Program Laboratory). Which involves 4 MFA students from FIU and 4 art students from the University of New Mexico. Here is some more detailed information about the program:

CAP Lab 2017 Overview

Vizcaya Museum and Gardens founded CAP Lab in 2014 in partnership with the College of Communication, Architecture + The Arts at Florida International University. This learning initiative has multiple objectives, among them to further Vizcaya's commitment to learning by engaging university students, fostering interactions between students and working artists, and further integrating the Contemporary Arts Program (CAP) into the fabric of the museum. CAP Lab provides students with real-world experience in the arts by engaging them in the museum's annual CAP exhibition. As part of CAP Lab, a customized syllabus is created for students to explore the complex and contextually rich situations that arise when contemporary artists develop site-specific work for a hundred-year-old estate.

Now in its fourth year, CAP Lab will explore the 2017/2018 CAP exhibition *Overload*. A core objective of this project emphasizes engagement and we invite student artists to consider how the activation of senses can alter the experience of a space. In the case of Vizcaya, that experience often has a static quality that we wish to challenge with this exhibition. Sensory activation may consider Vizcaya's past, present and future; Vizcaya's rich native, sub-tropical landscapes; Miami as a community then and now and Vizcaya's place in the city; the experiences of the people who lived and worked at the estate in the past, or the experiences of the people who visit and work at the estate today; the myriad intersections of old and new, American and European, people and ideas. Students will use Vizcaya and the *Overload* exhibition as a lens to explore site-specific work. Students will develop a proposal for a project to be installed in the Village for a week long exhibition.

I was brought in after the completion of initial discussions and of much of the planning in order to help administrate and oversee the CAP Lab initiative, alongside my colleagues at Vizcaya. Four MFA students from FIU and two faculty from the arts department are involved in the CAP Lab project. My role to date has primarily been administrative. I have little direct contact with the students, and this is not a teaching role.

The outside employment involves teaching two weekly evening classes to undergraduates at FIU. The course is textbook and lecture based survey of Art History, from the Stone Age to the Italian Renaissance. There is no crossover between the students involved in CAP Lab and the undergraduate course. The requirements from me are completely different – I lead the art history course as an adjunct lecturer. The FIU faculty involved in CAP Lab are not involved in my adjunct lectureship.

Is this enough information for your purposes? Please let me know if you need more details – I'd be happy to provide.

Thanks again Martha.

Best Wishes

Liz Shannon

From: Perez, Martha D. (COE) [<mailto:Martha.Perez2@miamidade.gov>]
Sent: Wednesday, September 27, 2017 10:33 AM
To: Shannon, Elizabeth (Vizcaya) <Elizabeth.Shannon@vizcaya.org>
Subject: RE: Outside employment question: working for a County vendor

Good morning Liz, just a few questions to clarify relationships:

- 1) Dates and times when you will be conducting the outside employment (teaching)?
- 2) Does FIU transact any business or have any contracts **with Vizcaya**? If so, please describe.
- 3) **If your answer to #2 is yes**, please describe **YOUR** participation, if any, with the contract, ie, do you oversee, administer, manage or enforce the contract?

Thanking you in advance for your responses.

Best regards,

Martha D. Perez
Staff Attorney
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
19 West Flagler St. Suite 820
Miami, FL 33130
(305)350-0656
PEREZMD@miamidade.gov

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From: Ethics (COE)
Sent: Wednesday, September 27, 2017 10:12 AM
To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: FW: Outside employment question: working for a County vendor

Please handle.

From: Shannon, Elizabeth (Vizcaya)
Sent: Tuesday, September 26, 2017 5:23 PM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: Outside employment question: working for a County vendor

Dear Sir or Madam

I was asked to teach an art history course at FIU. I completed an Outside Employment form, and one of my managers (who had agreed that I could undertake this teaching as outside employment) wondered if FIU is a county vendor, which it turns out the university is. How do I go about obtaining permission to teach despite FIU being a County Vendor? I don't believe that my teaching a course (World Art History Survey 1) should present a conflict, but Vizcaya's Director cannot sign off on my request until I have clarified this point. Can you please help?

Many Thanks

Liz Shannon

PS: As you may know, Vizcaya is transitioning away from the County on October 1, 2017. I have no idea if this has an impact! My teaching extends until the end of December 2017.

Elizabeth Shannon, PhD
Assistant Curator
Vizcaya Museum and Gardens
3251 South Miami Avenue
Miami, Florida 33129
305.860.8409 | vizcaya.org