

MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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September 11, 2018

Ms. Shawntia Kirkland, Personnel Specialist 2
Personnel Management Bureau, Employee Relations
Miami-Dade Corrections & Rehabilitation Department
2525 NW 62nd Street, Suite 2000
Miami, Florida 33147

Re: Request for Opinion, Officer Brandon Smith, INQ 18-215

Dear Ms. Kirkland:

You have forwarded a request for an opinion regarding contemplated outside employment by Mr. Brandon Smith who is employed as a sworn officer by the Miami Dade Corrections and Rehabilitation Department. Mr. Smith may be seeking elected office as Commissioner with the City of West Park, in Broward County, Florida.

As you know Section 2-11.1(j) of the Conflict of Interest and Code of Ethics prohibits outside employment by a County employee that would impair independence of judgement in the performance of his or her official duties.

As a Corrections Officer, Mr. Smith is engaged in the care, custody and control of inmates sentenced to county jail sentences or otherwise being held in pre-trial detention in Miami Dade County facilities. From the information provided in his outside employment request to the department, his duties as a corrections officer in this county should have no relation with the duties of an elected municipal officer in another county.

Of course while seeking election in that municipality or if he should get elected and serve, Mr. Smith cannot: use any county resources or time in furtherance or support of his election or his elected position; cannot disclose any confidential information acquired as a corrections officer in furtherance of election or elected service; and cannot use his official position as a corrections officer to secure special benefits or privileges for the municipality. See Sections 2.11.1(h) and 2.11.1(g) of the Ethics Code.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics Ordinance only and is not applicable to any conflict under state law or county and municipal ordinances in Broward County. Also, this opinion is limited to the facts provided by Mr. Smith and what is generally known about the duties and responsibilities of a Miami Dade County Corrections Officer and a municipal councilman in another county jurisdiction.

As a courtesy to Mr. Smith, he may want to inform himself regarding any dual office holder prohibitions under Florida law. There are several Florida Attorney General Opinions that may serve as an information reference on this topic.

Finally, Mr. Smith may wish to carefully review Miami Dade Administrative Order No. 7-2 regarding political participation. While the Administrative Order does not prohibit candidacy for municipal office, it does provide that upon election, the employee "shall immediately forfeit his or her County position."

Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Arrojo". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Jose J. Arrojo
Executive Director

cc: Patricia Jones Cummings, Esq.
Corrections Counsel

Ross, Rachelle (COE)

From: Arrojo, Jose (COE)
Sent: Tuesday, September 11, 2018 2:54 PM
To: Ross, Rachelle (COE)
Subject: RE: Ethics Opinion for Brandon Smith
Attachments: INQ 18-215.docx

Okay Rachelle,

First INQ for Jose. Its attached. Please print color hard copy so I can sign off and then to Ms. Kirkland w/email follow up and email to her and only email cc: to Pat Jones Cummings, the Corrections Legal Advisor. Also, if you show me how to configure my computer to print to the office's color printer, then in the future, I can cut out a step.

Then this goes wherever these things go.

Thank you,

Jose

From: Kirkland, Tina (MDCR)
Sent: Thursday, September 06, 2018 11:44 AM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: Ethics Opinion for Brandon Smith

Greetings,

The attached is being submitted on behalf of Brandon Smith for an Ethics Opinion.

Should you require additional information, please feel free to contact me at the number below.

Thanks

Shawntia Kirkland, Personnel Specialist 2
Personnel Management Bureau, Employee Relations
Miami-Dade Corrections & Rehabilitation Department
2525 NW 62nd Street, Suite 2000
Miami, Florida 33147
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