



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

19 West Flagler Street, Suite 820 · Miami, Florida 33130  
Phone: (305) 579-2594 · Facsimile: (305) 579-0273  
Website: [ethics.miamidade.gov](http://ethics.miamidade.gov)

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MEMORANDUM

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**TO:** SSSII (Sgt.) Elizabeth Milanes  
Command Center PortMiami

**FROM:** Radia Turay, Staff Attorney  
Commission on Ethics

**SUBJECT:** INQ 19-118

**DATE:** November 7, 2019

**CC:** All COE Legal Staff

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Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transaction.

Facts: You are employed at PortMiami as a Sergeant at its Command Center. Your duties include supervision of staff working security enforcement at PortMiami; working with MDPD, CBP, or any other local State or Federal agency operating at PortMiami; overseeing the camera systems and controlling access to Port terminals and buildings; supporting the turn arounds of cruise ships debarking and embarking passengers; monitoring and assisting with traffic in cargo areas; and controlling borders by assigning personnel to various posts throughout PortMiami.

You are currently participating in a three-month leadership seminar. Along with other participants in the seminar, you are seeking to possibly establish a non-profit organization named "Alas de Vida-Wings of Life" (AVWL). The group will raise funds for migrant children and work with established charities.

You do not foresee that you will serve as an officer, director, or treasurer of the future entity. The group has however requested that you serve as a spokesperson. In that role you will support the entity in its mission. This will include assisting by serving as a translator and/or speaker at events; assisting in negotiations with possible corporate donors or supporting donation drives; and performing for children.

You will not receive any compensation for your service to AVWL. You will not perform any work for AVWL during your County work hours. You do not believe that the future entity will apply for any grant or any contract with Miami-Dade County.

Issue: Whether any prohibited conflicts of interest exists between your County employment and your proposed volunteer service for AVWL.

Discussion: There is no prohibition on a County employee serving as a volunteer for a non-profit organization.<sup>1</sup> See INQ 18-264. Nevertheless, there are several sections of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (Ethics Code) that are implicated and should be considered.

- Sec. 2-11.1(g) prohibits County employees from exploiting their official positions to secure special privileges or exemptions for themselves or others;
- Sec. 2-11.1(j) prohibits County employees from engaging in certain activities that would impair their independence of judgment in the performance of their public duties to the County;
- Sec. 2-11.1(h) prohibits County employees from disclosing confidential information obtained through their official positions with the County or use of such information, directly or indirectly, for personal gain or benefit; and
- Sec. 2-11.1(m)(2) prohibits County employees from appearing before any County board or agency or meeting with staff or elected officials to make a presentation or to seek a benefit (funding/grant) on behalf of the nonprofit organization.
- Sec. 2-11.1(e) prohibits County employees from soliciting any gifts in exchange for an official action. This means you could not accept or solicit a gift on behalf of AVWL in exchange for any official action you take as a County employee.<sup>2</sup>

Thus, we recommend that, in order to avoid the appearance of impropriety, you refrain from any involvement regarding your County position and AVWL. Although you may not appear before any County board or agency to seek any benefit on behalf of AVWL, *it is also advisable*, in your role as a volunteer for the AVWL, to recuse yourself from voting or participating in discussions and/or votes relating to County applications for funding, County contracts or any other AVWL initiatives involving the County.

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<sup>1</sup> Please note however, that County employees who establish a nonprofit and serve as the Executive, Director, President or Manager of that nonprofit on a compensated or uncompensated basis and are actively involved in the administration of that entity, are engaged in outside employment requiring completion of the outside employment process on a yearly basis. See RQO 17-03.

<sup>2</sup> Under the County Ethics Code, only County Commissioners and their staff members are allowed to solicit gifts on behalf of nonprofit organizations. See Ethics Code at Sec. 2-11.1(e)(2)(g) and INQ 13-291. However, the Ethics Commission has previously opined that when activities to support a particular nonprofit are explicitly sanctioned by the Mayor or Board of County Commissioners, County employees may solicit gifts for the nonprofit, but they can never *target* County vendors or County contractors. See RQO 06-05, INQ 17-196, INQ 13-279, and INQ 13-291.

The AVWL may accept grants from the County or enter into contracts with the County *as long as* you have not attempted to influence an official decision by the County to benefit the nonprofit organization in any way. Please be advised that the County Ethics Commission has interpreted this prohibition very expansively to include any communications, in any form, intended to influence an individual within the County to take an official action. See INQ 18-131, INQ 16-22, INQ 12-13, INQ 11-01, and INQ 10-201.

Opinion: Consequently, subject to the above-described limitations and cautionary guidance, there is no prohibition in the Code of Ethics that prevents you from serving as a volunteer for a non-profit organization.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.

## Sanchez, Rodzandra (COE)

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**From:** Turay, Radia (COE)  
**Sent:** Friday, November 8, 2019 10:36 AM  
**To:** Sanchez, Rodzandra (COE); Anderson, Machell (COE)  
**Cc:** Perez, Martha D. (COE); Diaz-Greco, Gilma M. (COE)  
**Subject:** FW: INQ-19-118, Sgt. Elizabeth Milanes, PortMiami (volunteer service)  
**Attachments:** INQ 19-118.pdf

**From:** Turay, Radia (COE)  
**Sent:** Thursday, November 7, 2019 5:02 PM  
**To:** Milanes, Elizabeth (Seaport) <Elizabeth.Milanes@miamidade.gov>  
**Cc:** Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>  
**Subject:** INQ-19-118, Sgt. Elizabeth Milanes, PortMiami (volunteer service)

Dear Sgt. Milanes,

Thank-you for contacting the Miami-Dade Commission on Ethics and Public Trust, seeking guidance in connection with your proposed volunteer service for Alas de Vida-Wings of Life” (AVWL). Attached please find out opinion regarding same.

Thanks,  
Radia.

### **RADIA TURAY**

Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, Fl 33130  
Tel: (305) 350-0601  
Fax: (305) 579-0273  
Ethics.miamidade.gov

**From:** Milanes, Elizabeth (Seaport) <Elizabeth.Milanes@miamidade.gov>  
**Sent:** Tuesday, November 5, 2019 2:09 PM  
**To:** Turay, Radia (COE) <Radia.Turay@miamidade.gov>  
**Subject:** RE: Question on volunteering for charitable foundation.

Hello Radia

It was great chatting with you I very much appreciate your time. I received the info, His House Children’s home. Located at 20000 N.W. 47 ave Hector Building No. 2 Miami Gardens.

From there web site:

“His House Children’s Home is a private non-profit, faith-based organization dedicated to restoring the lives of children from newborn to 18 years of age. For over 29 years, His House has brought stability to the lives of over 15,000 children and remains a frontline provider of residential and foster care services. The

organization is licensed by the Department of Children and Families, contracted by Our Kids Inc. in Miami Dade and Monroe and ChildNet in Broward County as a Residential program and child placement agency. In a beautiful campus-setting with a 232 bed capacity, the organization cares for children removed from their home due to abuse, abandonment and neglect. Its model is unlike many other residential programs.”

I see it states the organization is licensed by the Department of Children and families. I now have to call Christine from HR I was just advised she was planning on having me perform a Mime show for the Christmas party which will not be possible given the information you already shared with me.

Thank you hope this helps to get a clear opinion.

**From:** Turay, Radia (COE)  
**Sent:** Thursday, October 31, 2019 11:33 AM  
**To:** Milanes, Elizabeth (Seaport) <[Elizabeth.Milanes@miamidade.gov](mailto:Elizabeth.Milanes@miamidade.gov)>  
**Subject:** RE: Question on volunteering for charitable foundation.

Hello Sgt. Milanes,

I am working on finalizing your opinion. Please call me on my direct line 305-350-0601, when you get a chance.

Thanks,  
Radia.

**From:** Milanes, Elizabeth (Seaport) <[Elizabeth.Milanes@miamidade.gov](mailto:Elizabeth.Milanes@miamidade.gov)>  
**Sent:** Friday, October 25, 2019 8:42 AM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Cc:** [Alasdevidamiami@gmail.com](mailto:Alasdevidamiami@gmail.com); **Gonzalez, Luis (Seaport)** <[Luis.Gonzalez4@miamidade.gov](mailto:Luis.Gonzalez4@miamidade.gov)>; **Gonzalez, Cristine M. (Seaport)** <[Cristine.Gonzalez@miamidade.gov](mailto:Cristine.Gonzalez@miamidade.gov)>; **Bellis, Luz (Seaport)** <[Luz.Bellis@miamidade.gov](mailto:Luz.Bellis@miamidade.gov)>  
**Subject:** RE: Question on volunteering for charitable foundation.

Good Morning,

#1: My Duties consist of the Supervision of staff working the Security enforcement here at Port Miami. We work with MDPD, CBP, or any other local State or Federal agency operating specifically on Port Miami. I am supervising in the Command center we oversee the camera systems and control access to Terminals and buildings also dispatching within the Island, radios. We support the Turn arounds of Cruise ships Debarking and embarking Thousands of passengers. We monitor and assist with traffic in our Cargo areas facilitating the transportation of Cargo and services to the Shipping Companies docking various vessels. Controlling borders by assigning personnel to various post throughout Port Miami. These are Safety and Security duties in a mid-level Supervisory position.

# 2: I will receive no financial compensation this work is strictly volunteer and all funds generated or negotiated will be donated to the charities the Alas de Vida group vote for. A bank account has already been created and responsibility assigned to treasures. At this time the chosen charities will support some type of aid to migrant children first and the Wells in Africa. The group has assigned individuals who are still researching and gathering information to present for a vote.

#3: We are all volunteers brought together by a Leadership 3 Month seminar that challenges you to stretch your limits by creating value and making a difference in society. Some groups who have created charities in the past have continued them. At this time I cannot say with any certainty if this group will continue the charity or if they will end it after the 3 Month leadership exercise. When I first made the request I believed we were moving forward with registering as a nonprofit at this the decision has been moved to the next meeting.

I have requested to not be in any of the senior rolls or any dealing with the financial responsibilities. I will be supporting, and will assist as a translator and as a speaker at events, as long as it does not conflict with my work schedule. I also have performed for children and will donate time to the artistic development of plays coordinating shows organizing and lining up talent all on an amateur bases example group of Mimes to entertain children in recovery etc.

#4: As stated in #3 I have experience as a Promoter Instructor and have worn many hats throughout my career prior to County employment and am sharing this knowledge with members of my group to develop future leaders and create value. As a public speaker if needed to assist in negotiations with possible corporate donors or supporting donation drives. I have advised the group that I cannot be involved in any group activities which may in anyway be considered a conflict with my job dealing with Safety and Security at Port Miami or to the best of my knowledge any business with any affiliations to same.

#5 As far as I know I do not believe there is any plan for this foundation to apply for any grant or any Contract with Miami Dade County. I would not be involved in formulating plans but given my position if asked I would advise against that. There are many possible sources for founding without having to ask the County.

#6 There has not been any formal talks regarding working with the County. However there is a possibility we might organize a combined music and theatrical performance benefits which might negotiate theater space which may be at the Adrienne Arsht Center. I do not believe my job functions or my association with this group would be a conflict. My position as a mid-level supervisor at Port Miami has no connection with the arts.

Regards,

***SSSII (Sgt.) Elizabeth Milanes***  
***Command Center PortMiami***  
**905 S. America way**  
**Miami Fl. 33132**  
**305-329-4046 Office**  
**"Delivering Excellence Every Day"☺**

**From:** Turay, Radia (COE)  
**Sent:** Thursday, October 24, 2019 6:06 PM  
**To:** Milanes, Elizabeth (Seaport) <[Elizabeth.Milanes@miamidade.gov](mailto:Elizabeth.Milanes@miamidade.gov)>  
**Subject:** RE: Question on volunteering for charitable foundation.

Hello Ms. Milanes,

My name is Radia Turay. I am a staff attorney at the Miami-Dade Commission on Ethics and Public Trust. I was assigned to assist you with your request for an opinion. Please find a few questions below that will assist me in formulating an answer to your ethics inquiry. Please send me a response at your earliest convenience.

- 1) Describe your County duties and responsibilities?
- 2) Would you be compensated for your work with Alas de Vida?
- 3) In what capacity (title) will you serve Alas de Vida – Wings of Life?
- 4) What will your job duties for Alas de Vida include?
- 5) Will Alas de Vida – Wings of Life apply for county contracts or grants?
- 6) Will Alas de Vida do any business with the County?

Thanks,  
Radia.

**From:** Arrojo, Jose (COE) <[Jose.Arrojo@miamidade.gov](mailto:Jose.Arrojo@miamidade.gov)>

**Sent:** Monday, October 21, 2019 6:29 PM

**To:** Milanes, Elizabeth (Seaport) <[Elizabeth.Milanes@miamidade.gov](mailto:Elizabeth.Milanes@miamidade.gov)>

**Cc:** Gonzalez, Cristine M. (Seaport) <[Cristine.Gonzalez@miamidade.gov](mailto:Cristine.Gonzalez@miamidade.gov)>; Bellis, Luz (Seaport)

<[Luz.Bellis@miamidade.gov](mailto:Luz.Bellis@miamidade.gov)>; Diaz-Greco, Gilma M. (COE) <[Gilma.Diaz-Greco@miamidade.gov](mailto:Gilma.Diaz-Greco@miamidade.gov)>; Turay, Radia (COE)

<[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>; Perez, Martha D. (COE) <[Martha.Perez2@miamidade.gov](mailto:Martha.Perez2@miamidade.gov)>

**Subject:** RE: Question on volunteering for charitable foundation.

Dear Ms. Milanes:

Thank you for contacting the Miami-Dade County Commission on Ethics and Public Trust and requesting our guidance regarding your anticipated engagement with a charitable foundation.

Before we can afford you guidance regarding the application of County Ethics Code to your participation with the non-profit, we will need additional information from you. Please share with us whether the foundation "Alas de Vida – Wings of Life" has been incorporated, if it has applied for tax exempt status with the Internal Revenue Service, and what your anticipated role or title will be as regards the entity. Also, a bit more information regarding your job responsibilities with the County would assist us.

I have copied our Ethics Commission Staff Attorneys on this response and I will be asking Radia Turay to assist you further with your request.

Best regards,

Jose

**Jose J. Arrojo**

Executive Director

Miami-Dade Commission on Ethics and Public Trust

19 W. Flagler Street, Suite 820

Miami, FL 33130

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**From:** Milanes, Elizabeth (Seaport) <Elizabeth.Milanes@miamidade.gov>  
**Sent:** Saturday, October 19, 2019 1:30 PM  
**To:** Ethics (COE) <ethics@miamidade.gov>  
**Cc:** Gonzalez, Cristine M. (Seaport) <Cristine.Gonzalez@miamidade.gov>; Bellis, Luz (Seaport) <Luz.Bellis@miamidade.gov>  
**Subject:** Question on volunteering for charitable foundation.

Good Afternoon,

My name is Elizabeth Milanes I am currently employed as a Miami Dade County Seaport employee. I currently am a Sgt. With 28 years on the job. I have been taking leadership classes at "Leaderes" located in Doral. This Organization works with developing leadership skills and self-improvement. I and my group in the current class are in the process of registering and kicking off a charitable foundation to be known as "Alas de Vida - Wings of Life" The group has voted for raising funds for migrant children and related causes. I will not be receiving any compensation for my participation. I have been asked by the group to be one of the spokesperson when communicating or entering into contracts with businesses and or other organizations. My group is aware of my County position, and responsibilities. In case of any emergencies or call backs from work, I will be able to assume my post and handle any emergencies that may arise without any delay from the charitable organization. I also understand that I may not solicit or use my County position to solicit aid for this charity to any County affiliation or property.

Thank you for taking the time to review my request, I look forward to your response regarding your opinion on my being able to work with this foundation.

***SSSII (Sgt.) Elizabeth Milanes***  
***Command Center PortMiami***  
905 S. America way  
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