

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Wednesday, April 04, 2012 4:47 PM
To: Rizzo, Mary Lou (ISD); Hall, Beverly (ISD)
Cc: White, Christina (Elections); Douglas, Roseanne (Elections); Bofill, Carmen (Elections); Lopez, Carolina D. (Elections); Centorino, Joseph (COE)
Subject: INQ 12-61 Financial Disclosure

Ms. Rizzo,

You asked for clarification regarding the requirement that County employees with purchasing power in excess of \$20,000 file the financial disclosure form "State Form 1." This requirement is based on Florida Statutes 112.3145 (1) and 287.017.

I have spoken today with Julia Costas, an attorney with the Florida Ethics Commission, to obtain some general guidance on these issues. You may wish to contact Ms. Costas directly at 850 488-7864 or the County Attorney's Office for more definitive answers to your questions.

Ms. Costas advised me that the above-referenced statutes relate to *procurement* issues, not settlements.

- Fla. Stat. 112.3145 (1)(a)3 specifically requires a "purchasing agent" (or one who functions as a purchasing agent, regardless of his/her title) to file financial disclosure.
- At Fla. Stat. 112.312 (20), "purchasing agent" is defined as "a public officer or employee having the authority to commit the expenditure of public funds through a *contract for, or the purchase of, any goods, services, or interest in real property* for an agency, as opposed to the authority to request or requisition a contract or purchase by another person." (Emphasis added.)

As we've already discussed, an employee, regardless of title, having the authority to make *any single purchase exceeding \$20,000* for the County must file "State Form 1." Ms. Costas confirmed that the \$20,000 amount refers to a single purchase, not a cumulative amount for the year.

Finally, it is our understanding that County supervisors have discretion to impose additional financial disclosure requirements on individuals, beyond what is required by State law. Again, we recommend confirming this with the County Attorney.

Please feel free to contact us if we can be of further assistance.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY

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Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

From: Lopez, Carolina D. (Elections)
Sent: Tuesday, April 03, 2012 4:41 PM
To: Hall, Beverly (ISD)

Cc: White, Christina (Elections); Frigo, Victoria (COE); Douglas, Roseanne (Elections); Bofill, Carmen (Elections)
Subject: Re: Financial Disclosure

Hi Beverly,

I apologize if staff did not responded to you earlier today. As you know, Elections serves as the records custodian for these forms. In light of the nature of these questions, I would recommend that you seek Victoria Frigo's input, Staff Attorney with the Commission on Ethics. I have copied her on this email as well. Thanks

From: Hall, Beverly (ISD)
Sent: Tuesday, April 03, 2012 04:34 PM
To: Lopez, Carolina D. (Elections); Bofill, Carmen (Elections)
Subject: FW: Financial Disclosure

Carolina/Carmen,

Can either of you assist me with the questions below? Thank you.

From: Hall, Beverly (ISD)
Sent: Tuesday, April 03, 2012 11:55 AM
To: Douglas, Roseanne (Elections)
Subject: Financial Disclosure

Roseanne,

We need clarification on who is required to file financial disclosure when the person has no signatory authority to purchase more than \$20,000.00. The recent addition of several employees has raised questions by the union and employees and there seems to be varying opinions of who should file.

- 1) Please confirm that the authority to make any purchase exceeding \$20,000.00 is on a single purchase and is not a cumulative amount for the year

- 2) There were several employees added this year who are questioning their need to file because they do not have authority to make any purchase over 20,000.00. However, it is my understanding that the County has the discretion to require filing for employees who serve in a support purchasing role even if they have purchasing authority of a lesser amount or are simply involved with reviewing and confirming payment (before it goes to someone else for signature). In other words, when is it appropriate to require someone to file who does not meet the State's \$20,000.00 purchasing requirement?

Thank you.

Beverly A. Hall, P H R

Senior Human Resources Manager

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