

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, April 11, 2013 11:44 AM
To: Hall, Beverly (ISD)
Cc: Centorino, Joseph (COE)
Subject: Nepotism (INQ 13-89)

Hello Beverly,

The County's anti-nepotism policy is based on the Florida anti-nepotism statute. Because the County's anti-nepotism policy is not contained within the County Ethics Code, we have not given any ethics opinions about nepotism.

You are correct that the County's policy (based on state law) does not include within the definition of "relative" the term "domestic partner."

(d) "Relative," for purposes of this section only, with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister. Fla. Stat. 112.3135 (1)(d) (2012).

The County Ethics Code, however, *does* include "domestic partner" within its definition of "immediate family." Consequently, a County employee may be in violation of the County Ethics Code if she uses her County position to improperly benefit her domestic partner. This behavior might also violate the anti-nepotism policy, but the Ethics Commission would not have jurisdiction to opine on the anti-nepotism violation—only on the possible ethics violation.

Also note that the anti-nepotism statute does not prohibit two relatives from working in the same department. It only prohibits one relative from promoting or advancing another relative.

If I've misunderstood your question, please feel free to get back to me.

Regards,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

Direct Phone: 305 350-0601
Main Number: 305 579-2594
Fax: 305 579-0273



19 West Flagler St., Suite 820
Miami, FL 33130

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: Hall, Beverly (ISD)
Sent: Thursday, April 11, 2013 10:27 AM
To: Frigo, Victoria (COE)
Subject: Nepotism

Victoria,

Has there been any opinion about including domestic partners as part of the County's Nepotism Policy? This issue was raised by an applicant applying for a position who thought it was strange that domestic partners were not listed and potentially applicants can supervise or be supervised by their domestic partner.

Beverly A. Hall, PHR

Senior Human Resources Manager

Phone (305) 375-2607

Fax (305) 375-4135

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, April 11, 2013 12:34 PM
To: Hall, Beverly (ISD)
Cc: Centorino, Joseph (COE)
Subject: FW: Nepotism (INQ 13-89) addendum

Beverly,

Let me add that a County employee who uses her County position to improperly benefit a domestic partner might violate the County Ethics Code at Sec. 2-11.1 (g), Exploitation of Official Position.

Regards,

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