



Via Interoffice Mail
and email at shaniem@miamidade.gov

ETHICS COMMISSIONERS

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MIRIAM S. RAMOS
DEPUTY GENERAL COUNSEL

February 21, 2013

Shania Moore, Lead Worker, Office Operations
Clerk of the Board Division
111 NW 1st Street, Suite 17-202
Miami, FL 33128

Re: RQO 13-01

County advisory board members are required to file financial disclosure statements regardless of whether the board on which they serve has met during the previous calendar year. *See* Miami-Dade County Code at Sec. 2-11.1 (i).

Dear Ms. Moore:

IN A PUBLIC MEETING on February 20, 2013, the Miami-Dade Ethics Commission opined that advisory board members are required to file financial disclosure statements by July 1st in the year following their board service, regardless of whether the board on which they serve has met during the year for which they are disclosing.

AS BACKGROUND, some of the 92 active Miami-Dade County advisory boards did not meet during the 2012 calendar year.¹ Meetings were not called because no issues arose that necessitated the boards' involvement. Some members of these boards have questioned whether they must file disclosure statements representing their financial status in 2012 if their boards did not meet in 2012.

THE COUNTY ETHICS CODE requires that certain individuals not covered by financial disclosure requirements under state law file financial disclosure with the County:

All [board members] shall file, no later than 12:00 noon of July 1st of each year, including the July 1st following the last year that person is in office ... one (1) of the following:

- (a) A copy of that person's or firm's current federal income tax return; or

¹ Examples of boards that did not meet in 2012 include the Community Affordable Housing Strategies Alliance Task Force (CAHSA) and the Construction Bonding Task Force.

- (b) A current certified financial statement on a form of the type approved for use by state or national banks in Florida listing all assets and liabilities having a value in excess of one thousand dollars (\$1,000.00) and a short description of each; or
- (c) An itemized source of income statement, under oath and on a form approved by the County for said purpose.²

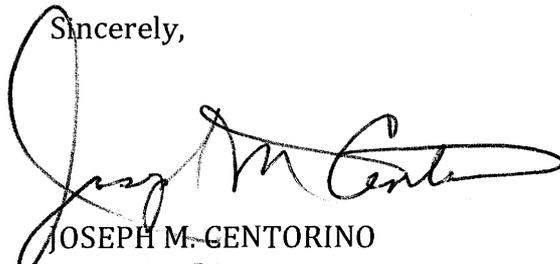
The County Ethics Commission has not previously addressed this specific question. However, one rule of statutory interpretation postulates that a law be construed in such a way as to implement, rather than defeat, the legislative intent. In the current case, the intent of financial disclosure provisions is to enhance transparency in government.

Because board members are generally approved and authorized to serve in an advisory capacity for a term certain and because they may be subjected to undue influences as a consequence of their board membership during a year in which their board does not meet, the Ethics Commission reasoned that these board members must file financial disclosure statements by July 1st following each year during which they were eligible to serve on the board.

CONSEQUENTLY, because advisory board members were approved and authorized to serve in 2012 and because they could have been exposed to undue influence as a consequence of their board membership in 2012, these board members must file financial disclosure statements by July 1, 2013.

Please feel free to contact me or Victoria Frigo, Senior Staff Attorney, if we can be of further assistance.

Sincerely,



JOSEPH M. CENTORINO
Executive Director

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copies: Christopher Agrippa, Division Chief, Clerk of the Board
Linda Cave, Assistant Division Chief, Clerk of the Board
Keith Knowles, Commission Clerk, Clerk of the Board

² Miami-Dade County Code at Sec. 2-11.1 (i).