
INQ 16-05 Vallejos-Landestoy

From: Diaz-Greco, Gilma M. (COE)

Sent: Monday, April 04, 2016 2:07 PM

To: Vallejos-Landestoy, Jessica (JAC) <JAC0100@miamidade.gov>

Cc: Centorino, Joseph (COE) <CENTORI@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Murawski, Michael P. (COE) <MURAWSK@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Smith, Terrence (CAO) <ASMITH@miamidade.gov>

Subject: Jessica Vallejos-Landestoy, Statistics and Research Specialist, Miami Dade County Juvenile Services Department INQ 16-105

Dear Ms. Vallejos-Landestoy:

You have inquired whether designees of the Board Members of the Youth Task Force are required to file financial disclosure.

As background, Terence Smith, Assistant County Attorney, advises that pursuant to the ordinance governing the Youth Crime Task Force, a board member designee acts "in the full capacity of the appointment, with all its duties and responsibilities, and not as a proxy." Where a board's governing ordinance empowers the designee to act with the full duty and responsibility of a Board Member as is the case here, we concur with the Assistant County Attorney that a designee of one of the Youth Task Force's Board Members would fall within the definition of "advisory personnel" under Section 2-11.1(b)(4) of the County Ethics Code.

With respect to financial disclosures required for "advisory personnel," Section 2-11.1(i)(1) of the County Ethics Code states that:

- " All persons and firms included within subsections (a) and (b)(2), (3) and (4) of this section 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 or held such employment, one (1) of the following:
- a. A copy of that person's or firm's current federal income tax return; or
 - 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.

Compliance with the financial disclosure provisions of Chapter 112 (Part III), Florida Statutes, as amended, or with the provisions of Article II, Section 8 of the Florida Constitution, as amended by the voters on November 2, 1976, and any general laws promulgated thereunder, shall constitute compliance with this section." (Emphasis added).

Consequently, as "advisory personnel," under Section (b)(4) of the County Ethics Code, the designees of Youth Task Force board members would be required to file one of the above referenced documents to satisfy the financial disclosure requirement. I am attaching a copy of the Financial Disclosures Chart Prepared by the Commission on Ethics, which provides a summary of State and County financial disclosure requirements

and includes hyperlinks to all of the forms. Please remember that any board members or designees who are required to file financial disclosures pursuant to State Law (State Form 1 and State Form 6), satisfy the County Ethics code requirement and do not have to also file a County Source of Income form.

Please contact us if we may be of further assistance.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
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Miami, FL 33130
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From: Vallejos-Landestoy, Jessica (JAC)
Sent: Friday, April 01, 2016 10:19 AM
To: Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Cc: Smith, Terrence (CAO) <ASMITH@miamidade.gov>; Molina, Cristina M. (JAC) <JAC0044@miamidade.gov>
Subject: FW: Youth Crime Task Force Advisory Board

Good morning Ms. Diaz-Greco,

Please read Mr. Terrence Smith, Assistant County Attorney, response below in regards to Board Members' designee and their role/responsibilities (per the ordinance governing the board).

Please confirm, based on his opinion, that designees must also file Financial Disclosure.

Thanks,

Jessica Vallejos-Landestoy, MPA
Statistics and Research Specialist
Miami Dade County Juvenile Services Department
275 N.W. 2nd Street, 2nd Floor
Miami, FL 33128
305-755-6221 (Phone)
305-755-6150 (Fax)
Jessica.Vallejos@miamidade.gov
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From: Smith, Terrence (CAO)
Sent: Thursday, March 31, 2016 11:10 AM
To: Vallejos-Landestoy, Jessica (JAC)
Cc: Catarineau, Deborah L. (CAO); Woodley, Debra (CAO)
Subject: RE: Youth Crime Task Force Advisory Board

Hi Jessica:

I just left you a message. Estephanie is out until I believe June.

In any event, I took a look at the ordinance governing the Youth Crime Taskforce. The designee, according to the ordinance, acts “in the full capacity of the appointment, with all its duties and responsibilities, and not as a proxy.” Therefore, I must conclude that the designee is a member of the Taskforce vested with all the powers and responsibilities of the appointment. As such, it is my opinion that they are also an “advisory personnel” under the Conflict of Interest and Code of Ethics Ordinance and therefore must file their financial disclosure form. Notwithstanding my opinion, please be advised that the County Attorney’s Office is not the final arbiter on matters arising under the Conflict of Interest and Code of Ethics Ordinance. Therefore, I suggest you get a definitive answer from the Miami-Dade Commission on Ethics and Public Trust. You can call them at 305-579-2594.

Please let me know if you have any further questions.

Cordially,

Terrence A. Smith
Assistant County Attorney
County Attorney’s Office
111 NW 1st Street
Suite 2810
Miami, Florida 33128
(305) 375-1322
(305) 375-5634 (fax)
Assistant: Debi Catarineau (xt. 5743)

From: Vallejos-Landestoy, Jessica (JAC)
Sent: Thursday, March 31, 2016 8:38 AM
To: Smith, Terrence (CAO)
Subject: Youth Crime Task Force Advisory Board

Good morning Mr. Smith,

I have a few inquiries regarding the board I staff. Ms. Resnick was the Attorney I would contact but I’m not sure if she’s back from maternity leave. My co-worker Jose Granera provided me with your contact information.

I was assigned to staff the YCTF board about a year and half ago so this area is fairly new to me but I want to make sure I provide the right information to the board members. Financial Disclosures are due in July, one of the questions asked was if the board members’ designee are required to file for Financial Disclosure.

When you get a chance, may you please call me at 305-755-6221 to further discuss/explain.

Thanks,

Jessica Vallejos-Landestoy, MPA

Statistics and Research Specialist
Miami Dade County Juvenile Services Department

275 N.W. 2nd Street, 2nd Floor

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