
INQ 16-166 Livingstone

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

Sent: Friday, June 24, 2016 3:36 PM

To: Livingstone, David (MDPR) <David.Livingstone@miamidade.gov>

Cc: Knowles, Keith (COC) <KAK1@miamidade.gov>; Lopez, Carolina D. (Elections) <LOPEZC@miamidade.gov>; Centorino, Joseph (COE) <CENTORI@miamidade.gov>; Murawski, Michael P. (COE) <MURAWSK@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>

Subject: Dave Livingstone, Assistant to the Director, Miami-Dade Parks and Recreation (Financial Disclosure) INQ 16-166

Dear Mr. Livingstone:

You have inquired on behalf of a member of the Parks and Recreation Citizen's Advisory Committee (PRCAC) whether PRCAC members are required to file financial disclosure on a yearly basis. This question arose because the County Clerk of the Board's (COB) Appointment System (CBAS) indicates that PRCAC is exempt from financial disclosure because they are not required to file State Form 1. As background, the PRCAC was created in 1994 and has been an active County board since that date.

The Miami-Dade Code at Section 2-11.36.1(a) includes in the definition of the term "board", citizen advisory groups in existence for a year or more. Given that the PRCAC has been in existence since 1994, it would be considered a County Board. Please note that all County Boards are covered by the County Ethics Code. Miami-Dade Code § 2-11.39.2. Therefore, PRCAC board members are required to file financial disclosure no later than 12:00 noon of July 1st of each year. Miami-Dade Code §2-11.1(i).

With respect to whether PRCAC members file State of Florida financial disclosure forms, we contacted the Florida Commission on Ethics who advised, upon reviewing the PRCAC ordinance, that its members would not generally fall into the category of parties required to file State financial disclosure forms unless they hold **another position** that requires them to file State financial disclosure forms. If a PRCAC member holds another position that requires him or her to file State Form 1 or State form 6, filing either of the forms would satisfy the financial disclosure under the County Ethics Code. Otherwise, PRCAC members must file a County Source of Income Statement or a copy of their income tax return with the County Department of elections by 12 noon of July 1st of each year with the County Elections Department.

We are providing a copy of this opinion to the Clerk of the Board in order to clarify this matter. I have also attached a Financial Disclosure Chart prepared by the Ethics Commission on a yearly basis which details financial disclosures requirements and provides links to each of the forms.

Please do not hesitate to 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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From: Livingstone, David (MDPR)
Sent: Thursday, June 16, 2016 1:16 PM
To: Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: RE: Financial Disclosures for 2014 (will be due soon)

Thanks

Dave Livingstone
Assistant to the Director
Miami-Dade Parks, Recreation and Open Spaces Department
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From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, June 16, 2016 11:38 AM
To: Livingstone, David (MDPR)
Subject: RE: Financial Disclosures for 2014 (will be due soon)

I'm verifying with the Clerk of the Board and doing some additional research before providing an answer. Under Miami-Dade Code section 2-11.36.1, a citizens group created for advisory purposes where the group's existence is a period of less than one year is exempted from the definition of a "board" and therefore also exempted from Financial Disclosure. I am researching if some other exemption would apply that would excuse PRCAC members from filing financial disclosure.

Best,
Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Livingstone, David (MDPR)
Sent: Thursday, June 16, 2016 11:23 AM
To: Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: RE: Financial Disclosures for 2014 (will be due soon)

Good morning,

No, the PRCAC was created by ordinance in 1994 and has been in continual existence since then. Each County Commissioner appoints 2 members to the group.

Dave Livingstone
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From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, June 16, 2016 11:21 AM
To: Livingstone, David (MDPR)
Subject: RE: Financial Disclosures for 2014 (will be due soon)

Mr. Livingstone:

Is this citizen group created for advisory purposes limited to a period of less than one year?

Gilma (Mimi) Diaz-Greco
Staff Attorney




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From: Livingstone, David (MDPR)
Sent: Thursday, June 16, 2016 10:59 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: Financial Disclosures for 2014 (will be due soon)

Good morning Rodzandra,

Parks was contacted by a member of the Park and Recreation Citizen's Advisory Committee (PRCAC), and asked if the PRCAC members are required to fill in the financial disclosure. The attached from the County Boards Appointment System (CBAS) indicates it is not required. Please have someone check if required or not.

Dave Livingstone
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From: Sanchez, Rodzandra (COE)
Sent: Thursday, April 16, 2015 10:40 AM
To: Livingstone, David (MDPR)
Subject: RE: Financial Disclosures for 2014 (will be due soon)

The direct link is <http://www.miamidade.gov/elections/library/forms/source-of-income-statement.pdf>, thank you

From: Livingstone, David (MDPR)
Sent: Thursday, April 16, 2015 10:07 AM
To: Sanchez, Rodzandra (COE)
Subject: RE: Financial Disclosures for 2014 (will be due soon)

Please send me the forms that need to be done for Park and Recreation Citizens Advisory Committee members.


Dave Livingstone
Assistant to the Director
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From: Sanchez, Rodzandra (COE)
Sent: Wednesday, April 01, 2015 3:19 PM
To: Financial Disclosures (Elections)
Subject: Financial Disclosures for 2014 (will be due soon)

Good Afternoon Board Coordinators,

Please be advised to start collecting your Board Members 2014 Financial Disclosures forms. The forms will be due this coming July as you are aware. But it is never too early to start making sure compliance is at its highest this year.

Thank you for cooperation in this matter.

Should you need any assistance or have questions, please contact me directly.

Thank YOU!

Rodzandra Sanchez, MPA
Miami Dade Commission on Ethics and Public Trust
(305) 350-0655