
INQ 16-191 Farias

From: Johnny Farias [mailto:vote4johnny@gmail.com]

Sent: Wednesday, July 27, 2016 1:01 PM

To: Perez, Martha D. (COE) <perezmd@miamidade.gov>

Cc: Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>; Centorino, Joseph (COE) <CENTORI@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>

Subject: Re: Johnny Farias, Community Councilmember, Gifts, INQ 16-191

Thank you this clears up what I needed to know.

On Jul 27, 2016 12:56 PM, "Perez, Martha D. (COE)" <perezmd@miamidade.gov> wrote:

Dear Mr. Farias,

Congratulations on your recent election to Community Council Seat 15 ! You inquire whether you may continue to solicit discounts from third parties for school supplies and Thanksgiving turkeys to be donated to the needy and impoverished.

Background

You have been elected to serve as a member of Community Council Seat 15. You own an electrical company, Electrical Masters. You are also a PTA member and a volunteer for the Guardian Ad Litem Program (GAL). As a volunteer in your community, you have been providing school supplies to your PTA as well as other schools for many years. You indicated that you purchase these supplies at stores like Walmart or Office Depot at solicited discounts, with your own money and/or with money collected from friends and co-workers. The school supplies are then donated to the PTA at your child's school or other schools in the community, for distribution to needy school children during "Book Bag Days". Similarly, with respect to Thanksgiving turkeys, you have indicated that you purchase the turkeys at Publix or other grocery stores at solicited discounted prices, also with your money or money collected from friends and co-workers, to be later distributed to needy families in the GAL. You are not financially compensated for any of these civic activities. Now that you have been elected to the Community Council, you would like to continue the practice of soliciting discounts and/or donations from businesses to purchase items to be distributed to deserving members of the public.

Analysis

As a member of the Community Council entrusted with the duties and responsibilities of community zoning appeals, you are considered a quasi-judicial board member subject to the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (County Ethics Code). *See* Section 20-41, Miami-Dade County Code; Section 2-11.1(a) and(b), County Ethics Code.

There is a general prohibition against the solicitation of gifts. *See* Section 2-11.1(e)(3), County Ethics Code. Subsection (e)(1) defines “gift” as anything of economic value without adequate and lawful consideration. A discount qualifies as a gift. *See* INQ 12-202.

Members of community councils are not permitted to directly solicit gifts in the form of discounts (or donations) from third parties. *See* INQ 14-26. However, they “could utilize the services of a [County] employee or elected official to do so” if the solicitation is part of *official* County business or is made on behalf of a 501(c)(3) nonprofit organization such as the PTA. *See* Section 2-11.1(e)(2), County Ethics Code; RQO 08-25; INQ 03-96; INQ 12-196; INQ 15-170; INQ 15-255

Keep in mind, the prohibition does not preclude your family members, friends or co-workers from soliciting discounts or donations, provided they do not use *your* name and title in their solicitation efforts. Section 2-11.1(g), County Ethics Code.

This opinion is based on the facts as you have presented them to the Ethics Commission. Please contact us if these facts change. You may find the material cited herein at <http://ethics.miamidade.gov>. Inquiries regarding possible conflicts under State law should be directed to the Florida Commission on Ethics.

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

19 West Flagler St. Suite 820

Miami, FL 33130

[\(305\)350-0656](tel:(305)350-0656)

PEREZMD@miamidade.gov

This email and any attachments are for the exclusive and confidential use of the intended recipient(s). If you are not an intended recipient, please do not read, distribute or take action in reliance upon this message. If you have received this in error, please notify me immediately by return email and promptly delete this message and its attachments from your computer. Miami-Dade County is a public entity subject to Florida's public record laws. Any communication with this office, including e-mail messages, could be considered a public record subject to disclosure.

From: Johnny Farias [<mailto:vote4johnny@gmail.com>]

Sent: Monday, July 18, 2016 4:17 PM

To: Ethics (COE) <ethics@miamidade.gov>

Subject: Question

Good afternoon, I have a question actually I have many questions but I want to start off with this one. First let me introduce myself, I am Johnny G Farias. I just won my seat for Community Council and at the moment right now I am just the elect person, swearing in doesn't happen till late November or early December.

Anyways, my question is this. I have done book bag days and also thanksgiving turkey days, which is that I have donated book bags with school supplies to kids that are in need of them. I was a Guardian at Litem so

this is one of the things I did. Also I have donated thanksgiving turkeys and food to families at my Guardian at Litem Program. Now I had several companies and individuals that would help me put this event together, but now that I am in the position I am, I feel and know that I just cant take or ask for donations anymore without being in some kind of trouble or at least bring up some kind of red flag. So please advise how should I handle this, or should I just abandon this type of events all together.

--

Thank You,

Johnny G Farias