

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, August 01, 2016 9:44 AM
To: Sanchez, Rodzandra (COE)
Subject: Patricia Fairclough, Vice-Mayor, City of Homestead (Conflicting Outside Employment) INQ 16-194

INQ 16-194 Weiss

From: Centorino, Joseph (COE)
Sent: Thursday, July 28, 2016 1:49 PM
To: Richard Jay Weiss (RWeiss@wsh-law.com) <RWeiss@wsh-law.com>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: INQ 16-194 Patricia Fairclough, Vice-Mayor, City of Homestead (Conflicting Outside Employment)

Richard:

You have inquired on behalf of Patricia Fairclough, Vice-Mayor of the City of Homestead, in which capacity she sits as a member of the Homestead City Council, regarding whether there would be any ethical conflict arising out of her applying to be principal of a school in Homestead, which was the recipient of a \$175,000 grant from the City several years ago, at which time Vice-Mayor Fairclough was sitting as a member of the Homestead City Council, and supported that item. Ms. Fairclough is currently employed by the Miami-Dade County Public Schools as a Teacher/Assistant Principal. She has been requested to apply for the position in Homestead. Other than the grant provided by the City to the school, which was designated for computer equipment, the City does not have regular business dealings with the school, which falls under the jurisdiction of the Miami-Dade County Public Schools. The grant was provided several years ago and is in no way connected to her prospective application for the principalship.

Under these circumstances, I do not see any prohibition under the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance that would prevent her from applying for the position. It appears that there is no connection between her interest in the position and any past action of hers with the Homestead City Council. There is no reason to foresee that her acceptance of such a position would create conflicting outside employment under Section 2-11.1(j) of the Code. Obviously, she should seek an additional opinion in the event that a future issue should come before the Council regarding a school that employs her. Additionally, while a member of the Homestead City Council, she should avoid any situation where she would be appearing before the Council or any department of the City of Homestead to make a presentation on behalf of a school where she is employed, as that could violate Section 2-11.1(m) of the Code.

Sincerely,

Joe

Joseph M. Centorino

Executive Director and General Counsel
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