

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, September 21, 2016 1:21 PM
To: Sanchez, Rodzandra (COE)
Subject: Natalie Prieto, MDC-PROS/RAICES, Outside employment, INQ 16- 215

INQ 16- 215 Prieto

From: Perez, Martha D. (COE)
Sent: Wednesday, September 21, 2016 11:59 AM
To: Prieto, Natalie (MDPR) <Natalie.Prieto@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Natalie Prieto, MDC-PROS/RAICES, Outside employment, INQ 16- 215

Dear Natalie,

You inquire whether as a member of a nonprofit entity, you are exempt from requesting approval to engage in outside employment.

Background

You are employed in the County's Parks, Recreation & Open Spaces Department (PROS) as Facility Manager for RAICES at Miller Drive Park. You are also the President of the Children's Gallery & Arts Center, Inc. (CGAC), a non-profit 501(c)(3) corporation in the State of Florida. CGAC offers all-inclusive arts education services and cultural events to the community and acts as a network for artists of all mediums. In your capacity as President of CGAC, you do not receive compensation for your work.

The County's RAICES consists of a complete arts program (ie., classes, workshops, "camps") which offers visual and performing arts primarily to children, while giving them an opportunity to express their artistic and creative talents and develop valuable skills. You are not involved in the recommendation or selection of nonprofit entities bidding or participating in programming or partnering with the County. You have advised that CGAC does not directly transact business with the County nor does it receive grants directly from the County. You have also indicated that the volunteer hours you provide for CGAC will not conflict with your County job schedule or responsibilities.

Analysis

The uncompensated service on a nonprofit entity board is not considered outside employment as defined by Miami-Dade County Code §§ 2-11.1 and 2-11.1 (k). *See* INQ 13-236, INQ 14-143, INQ 16-22, COE's Outside Employment Memorandum (2014). Therefore, there is no need to complete a Request for Approval for Outside Employment or file an Outside Employment Statement under §2-11.1(k)(2) of the Ethics Code.

However, given the similarities between the goals and objectives of both CGAC and RAICES, you may encounter situations in the future which merit addressing the following sections of the County Ethics Code:

Section 2-11.1(g) prohibits you from using your County position to secure special privileges or exemptions for yourself or CGAC.

Section 2-11.1(h) prohibits you from disclosing confidential information acquired by reason of your official County position.

Section 2-11.1(m)(2) prohibits you from appearing before any County board or agency or meeting with staff or elected officials to make a presentation or to seek a benefit (funding/grant/sponsorship) on behalf of CGAC .

While you have indicated that CGAC does not transact business with the County at the present time, should a situation arise in the future where CGAC entertains doing business with the County's PROS, we recommend that, in order to avoid the appearance of impropriety, you refrain from any involvement requiring any interaction between your County position and CGAC. Hence, CGAC may accept a grant from the County or enter into contracts with the County as long as *you* have not attempted to influence an official decision to benefit CGAC in any way. *See* INQ 12-13, INQ 11-01, INQ 10-201.

This opinion is based on the facts as presented. If any of these facts change, please contact us.

Best regards,

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

PEREZMD@miamidade.gov

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From: Prieto, Natalie (MDPR)

Sent: Wednesday, September 21, 2016 9:46 AM

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

Subject: RE: Question

Good morning Martha;

It is my pleasure to communicate with you, and I understand the importance of establishing clear legal and ethical procedures in every single organization.

In my position, I am not currently involved in the recommendation of non-profit organizations bidding/participating in programming or partnering with the County. Whenever artists or individuals from our community are interested in becoming County vendors or employees, I explain the process to the best of my abilities and refer them to the County to complete the process in person or through the website.

When I said that our nonprofit organization is not transacting or receiving grants directly from the County I meant that Miami-Dade County doesn't write a check to The Children's Gallery and Arts Center, Inc. As of today, Miami-Dade County is not a benefactor of our 501 C3.

Please, contact me at your earliest convenience if more information is required.

Best regards,

Natalie M. Prieto, Miller Drive Park Manager

RAICES, Hispanic Heritage, Arts & Culture Center

5510 SW 94 Ct.

Miami, FL 33165

Phone: (305) 271-0812

Fax: (305) 270-2901
Miami-Dade County Parks, Recreation and Open Spaces
www.miamidade.gov/parks
“Delivering Excellence Every Day”

From: Perez, Martha D. (COE)
Sent: Wednesday, September 21, 2016 8:16 AM
To: Prieto, Natalie (MDPR) <Natalie.Prieto@miamidade.gov>
Subject: RE: Question

Good morning Natalie,

Thank you for the responses. As a follow up, I would appreciate if you would clear up the following:

In your County position, will you be involved in the recommendation and/or selection of artists or non-profit entities bidding for or participating in not-for-profit programming partners agreements offered by MDC-PROS (through RAICES and/or other cultural programs)?

Also, what do you mean by not *directly* transacting with the County and/or receiving grants?

Sorry for the “back and forth”! and thank you.

Martha D. Perez
Staff Attorney
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
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From: Prieto, Natalie (MDPR)
Sent: Tuesday, September 20, 2016 9:27 AM
To: Perez, Martha D. (COE) <perezmd@miamidade.gov>
Subject: RE: Question

Good morning Martha;

Thank you very much for your prompt response.

I will answer your questions in the order asked.

- 1- The Children’s Gallery and Arts Center, Inc. Fed Id #: 27-0239521
- 2- Non-profit organization for the visual and the performing arts that offers all-inclusive arts education services and cultural events to the community and acts as a network for artists of all mediums since May 121, 2009.
- 3- I am President
- 4- Unpaid position (Please, specify verification methods required by Miami-Dade County).

- 5- The non-profit doesn't transact direct business with the county and is not receiving grants directly from the county.
- 6- Voluntary hours at this nonprofit is not conflicting and will not conflict with my County works schedule.

Thanks in advance for your time and attention.

Natalie M. Prieto, Miller Drive Park Manager
RAICES, Hispanic Heritage, Arts & Culture Center
5510 SW 94 Ct.
Miami, FL 33165
Phone: (305) 271-0812
Fax: (305) 270-2901
Miami-Dade County Parks, Recreation and Open Spaces
www.miamidade.gov/parks
"Delivering Excellence Every Day"

From: Perez, Martha D. (COE)
Sent: Monday, September 19, 2016 10:39 AM
To: Prieto, Natalie (MDPR) <Natalie.Prieto@miamidade.gov>
Subject: FW: Question

Good morning Natalie,

Please provide responses to the following questions so that I may respond to your inquiry:

- 1) Official name of the non-profit entity.
- 2) Brief description of non-profit entity.
- 3) Are you a board director or a member?
- 4) Please verify that it is an unpaid position.
- 5) Does the non-profit entity transact business with the County ?(ie. Does it subcontract artists to the County; does it requests grants or funding from the County)
- 6) Please verify that your involvement in the non-profit will not conflict with your County work schedule.

Thanking you in advance for your assistance.

Martha D. Perez
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From: Ethics (COE)
Sent: Monday, September 19, 2016 10:04 AM
To: Perez, Martha D. (COE) <perezmd@miamidade.gov>
Subject: FW: Question

Please handle.

From: Prieto, Natalie (MDPR)
Sent: Friday, September 16, 2016 3:58 PM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: Question

Good afternoon;

Serve this email to introduce myself and take the opportunity to ask you a question. Last August 15, 2016 I started working with Miami-Dade County Parks, Recreation and Open Spaces at Miller Drive Park as Facility Manager, for the program Raices.

Another park manager who is training me, requested me today to complete a Request For Approval Of Outside Employment because I have a nonprofit organization for the visual and the performing arts since 2009.

In this organization we don't have employees. Only artists are required to complete certain hours if they are subcontracted. Board members and other directors are considered volunteers. I don't have a schedule and I don't get paid.

It is my understanding of the Ethics training I completed as new hire that I am an exempt case but I need to clarify if I have to complete that Request for Approval.

I thank you very much in advance for your time and attention. Please, advice.

Best regards,

Natalie M. Prieto, Miller Drive Park Manager
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Miami, FL 33165
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