
INQ 16-22

From: Perez, Martha D. (COE)
Sent: Wednesday, January 27, 2016 10:16 AM
To: Jacob, Samantha J. (Office of the Chair)
Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: Samantha Jacob, Legislative Aide, Office of the Chair, Outside/Conflicting employment, INQ 16-22

Dear Ms. Jacob,

You inquired whether there would be a conflict of interest between your County employment as Legislative Aide to the Office of the Chair and your service as a volunteer on the Board of Directors of Foundation to Fame (FTF).

As background, you are the Legislative Aide to BCC Chairman Monestime. As part of your responsibilities, you assist with agenda items, legislative issues and initiatives from the Chair. You have been asked to serve on the Board of Directors of Foundation to Fame, a not-for-profit 501 (c) (3) corporation that is dedicated to teaching skills associated with the production of music to underprivileged Miami-Dade County students. Your service would be on an uncompensated, volunteer basis. Although FTF has not applied for County funding or grants, there is the possibility that it may apply for County funding in the future.

In general, there are no ethics conflicts regarding your County employment and your board service at FTF. However, several sections of the County Ethics Code should be addressed:

- **Sec. 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) on behalf of the nonprofit organization;
- **Sec. 2-11.1(h)** prohibits you from disclosing confidential information acquired by reason of your official County position;
- **Sec. 2-11.1(g)** prohibits you from using your County position to secure special privileges or exemptions for yourself or FTF.

We recommend that, in order to avoid the appearance of impropriety, you refrain from any involvement regarding your office and FTF. Although you may not appear before any County board or agency to seek any benefit on behalf of FTF, *it is also advisable*, in your role as a member of the Board of Directors for FTF, to recuse yourself from voting or participating in FTF discussions and/or votes relating to County applications for funding, County contracts or any other FTF initiative involving the County.

FTF 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 the nonprofit organization in any way. Please be advised that the County Ethics Commission has interpreted this prohibition very expansively to include any communications, in any form, intended to influence an individual within the County to take an official action. See INQ 12-13, INQ 11-01, INQ 10-201.

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

Sincerely,

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

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From: Jacob, Samantha J. (Office of the Chair)

Sent: Friday, January 22, 2016 6:11 PM

To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>

Cc: Sanchez, Gerald (CAO) <gks@miamidade.gov>

Subject: Non-profit Involvement

Good afternoon Mr. Centorino,

I hope that this message finds you well. I am contacting you today in order to ensure the legality as well as the ethicality of a matter.

I have been asked to serve on the board of directors for a non-profit organization. The organization will be a 501 (c) (3) and will be dedicated to teaching underprivileged students of Miami-Dade County the skills associated with the production of music. I will not be compensated for my work.

This work will not interfere with my current full time position with the Office of the Chair. I will not be involved in any grant applications, funding requests or any other matters that come before the Board of County Commissioners of Miami-Dade nor any Miami-Dade County departments or entities.

I have approval from my employer as long as you do not see any ethical or legal problems with this.

Please let me know if you see any issues that may arise with the acceptance of this position.

Thank you for your time.

Regards,

Samantha J. Jacob

Legislative Aide

Office of the Chair

Miami-Dade County

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