

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, June 01, 2017 12:06 PM
To: Sanchez, Rodzandra (COE)
Subject: Ronda Vangates, Esq., Economic Opportunity Development Officer, Maimi-Dade County Public Schools (Conflicting Outside Employment) INQ 17-147
Attachments: MemoReStateEthicsCodeContractingAndEmploymentConflicts.pdf

INQ 17-147 Vangates

From: Centorino, Joseph (COE)
Sent: Thursday, June 01, 2017 11:47 AM
To: 'Vangates, Ronda A.' <RondaVangates@Dadeschools.net>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; 'Walter.Harvey@dadeschools.net' <Walter.Harvey@dadeschools.net>
Subject: INQ 14-147 Ronda Vangates, Esq., Economic Opportunity Development Officer, Maimi-Dade County Public Schools (Conflicting Outside Employment)

Ms. Vangates,

You have requested guidance from this office in assessing whether an individual on your staff may have a conflict of interest due to a contractual involvement that individual has with a vendor of the Miami-Dade County Public Schools (MDCPS). The individual in question holds the position of Executive Director of the Division of Compliance in your agency. This individual is also the principal and owner of a consulting firm that does educational, governmental and business consulting. She has previously been approved by MDCPS to have this outside employment. However, it has come to your attention that a client of this individual's consulting firm is a registered vendor with MDCPS and currently has a \$36 million dollar fuel contract with the school district.

You have informed that the agency you head, The Office of Economic Opportunity, exists to provide certification of minority-owned businesses who may do business with MDCPS. Its authority includes monitoring such contractors in determining whether certain performance goals are met in construction contracts, but provides oversight over all procurement at MDCPS for issues coming under its jurisdiction.

As you know, the Miami-Dade County Commission on Ethics and Public Trust (COE) has no legal jurisdiction over officials and employees at MDCPS, over whom the Florida Commission on Ethics does have jurisdictional authority for ethics issues falling within the State of Florida Code of Ethics in Chapter 112, Florida Statutes. Any advice that we provide you with is for guidance purposes only, since we are not in a position to provide you with a binding opinion concerning whether a conflict of interest exists in this situation. That can only be done by the Florida Commission Ethics, whose staff does issue legally-enforceable ethics opinions under Chapter 112.

A relevant statute for you to consider in these circumstances is Section 112.313(7), Florida Statutes, which covers situations involving a public officer or employee who holds an employment or contract with any business entity or agency regulated by or doing business with his or her public agency. The attached memo from COE staff discusses some of the opinions interpreting this statute which are sufficiently nuanced that they should be reviewed by anyone attempting to apply its provisions. While the statute may not always prohibit a public employee from holding a contract with an entity that does business with the governmental entity that employs the individual, any possibility that the agency where the employee serves may directly regulate or oversee a

contractual issue involving the contractor with whom that employee has an outside employment or contractual relationship would be a reason to closely scrutinize that possibility in order to determine whether the private contractual relationship falls within the prohibitions in Section 112.313(7). Of course, MDCPS, as the employing governmental entity, would retain the authority to decide whether the outside employment of any of its employees is appropriate, regardless of whether any ethics violation may occur.

I hope this assists you in evaluation this issue.

Sincerely,
Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
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From: Vangates, Ronda A. [<mailto:RondaVangates@Dadeschools.net>]
Sent: Tuesday, May 30, 2017 11:01 AM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Vangates, Ronda A. <RondaVangates@Dadeschools.net>
Subject: Office of Economic Opportunity - Request for Guidance
Importance: High

Good Morning Mr. Centorino:

As you may know, I was recently selected – through a competitive process – to lead Miami-Dade County Public Schools’ Office of Economic Opportunity. This is a wonderful platform to level the playing field as it relates to the expenditures of public dollars with businesses that represent the amazing demographic and diversity of our county.

I also know that in this role, I and those that work on my team, must be held to a standard of transparency, accountability and ethical behavior that we require of our colleagues and District-approved firms. Toward, that end, would you please give me a call as it relates to a possible “actual or perceived” conflict of interest by a current staffer – this staffer is the lead compliance officer for the Office of Economic Opportunity.

This staffer is the owner and principal in a firm that represents a client who is a registered vendor with the District and who has and may be actively engaged in business with Miami-Dade County Public

Schools. This matter was never fully disclosed to the District upon her hire in 2014 as required by School Board Policy and was only “addressed” recently. Once this issue was brought to my attention, I immediately reported the matter to the appropriate District officials to ensure that we provide appropriate advice and guidance and to protect the public’s trust as it relates to the District’s **\$1.2 Billion General Obligation Bond** that is undergirded by a resounding commitment to diversity and inclusion in actual expenditures and employment.

Please note my only intention is to gain further guidance and to have this matter sufficiently addressed and closed. It is patently unfair to the staffer, other members of my staff and most importantly to the public to have this matter pending for several months without closure.

I would appreciate your response in writing or by phone at 305-995-1977.

Regards,

Ms. Ronda A. Vangates, Esq.

Economic Opportunity Development Officer
Miami-Dade County Public Schools
1450 NE 2nd Avenue, Suite 428
Phone: 305-995-1307



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