

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, August 28, 2017 10:09 AM
To: Sanchez, Rodzandra (COE)
Subject: Roxana Barba, Projects Administrator, Department of Cultural Affairs, Conflicting employment (j), INQ 17-194

INQ 17-194 Barba

From: Barba, Roxana (CUA)
Sent: Wednesday, August 09, 2017 10:47 AM
To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Cc: Margol, Deborah (CUA) <Deborah.Margol@miamidade.gov>; 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: RE: Roxana Barba, Projects Administrator, Department of Cultural Affairs, Conflicting employment (j), INQ 17-194

Martha,

Thank you for your thoroughness. I appreciate the level of detail in given in the analysis and I will make sure I follow all the recommendations.

Best,

Roxana Barba, Projects Administrator
Miami-Dade County Department of Cultural Affairs
111 N.W. First Street, Suite 625, Miami, FL 33128
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From: Perez, Martha D. (COE)
Sent: Tuesday, August 08, 2017 3:09 PM
To: Barba, Roxana (CUA) <Roxana.Barba@miamidade.gov>
Cc: Margol, Deborah (CUA) <Deborah.Margol@miamidade.gov>; 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: Roxana Barba, Projects Administrator, Department of Cultural Affairs, Conflicting employment (j), INQ 17-194

Good morning Roxana,

It was a pleasure speaking to you the other day. You inquired whether there is a conflict of interest with your proposed outside employment as a commissioned artist for a non-profit organization which participates in a County summer program through a County-issued grant.

Background

You are employed as a Project Administrator for Miami-Dade County's Cultural Affairs Department (DOCA). Your job responsibilities consist of overseeing the Community Grants Program. You have an opportunity to apply to a competitive commissioning artistic project to develop a new choreographic piece for the Miami Theater Center, Inc. (MTC)- a non-profit organization dedicated to providing educational opportunities to all people interested in the arts, with an emphasis in theater. MTC is a recipient of a County SAS-C grant to provide a cultural arts/musical summer camp. The SAS-C Grant Program is a joint initiative between DOCA and the Children's Trust to allocate funding to approximately 30+ non-profit organizations to provide underserved children in the County the opportunity to attend a cultural arts/science summer camp program at little or no cost. Although DOCA monitors the SAS-C grants agreements, *you have no involvement with the program*, i.e., you do not select recipients, oversee the program, manage or otherwise enforce these grants agreements.

You are applying for a competitive commissioning artistic project to develop a new choreographic piece for MTC which is not connected to the summer camp/program. Your work hours consist of 4 hours on the weekends. Your supervisors have no objections to your participation in this artistic project.

Analysis

Generally, the County Ethics Code does not prevent an employee from being employed by a County vendor, as long as the employee does not have any involvement with the vendor's contract. See INQ 11-67. In this instance, you have stated that your County position has no connection with MTC or the grant agreement. You are not responsible for the selection of MTC for the afore stated grant nor charged with the administration or oversight of the grant agreement. Consequently, it does not appear that your participation in the commissioned artistic project with MTC will impair your independence of judgment in the performance of your County duties. See Section 2-11.1(j), County Ethics Code; INQ 16-215

However, given the relationship between DOCA and MTC, you may encounter a situation in the future which merits addressing the following limitations imposed by 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 MTC. This prohibition has been interpreted very expansively to include any communications, in any form, intended to influence a County employee to take official action. See INQ 16-22, INQ 12-13.
- * The work you do for MTC cannot be done on County time or using any County resources (including, phones, faxes, computers or any other County-issued equipment). See A.O. 7-1
- * Section 2-11.1(h) prohibits you from disclosing confidential information acquired by reason of your official County position;
- * Section 2-11.1(m)(1) prohibits you from appearing before any County board or agency or meeting with staff or elected officials to make a presentation or seek a benefit (funding/grant) on behalf of MTC;

In order to avoid any future conflicts, you must refrain from any involvement requiring interaction between your County position and MTC. In other words, MTC may accept future grants from the County (DOCA) under the SAS-C Grant Program as long as you have not attempted to influence an official decision to benefit MTC in any way. See INQ 16-215; INQ 12-12, INQ 11-01

Finally, Section 2-11.1(f) requires you to file a sworn statement with the Clerk of the Circuit Court disclosing such employment. Additionally, you must file an outside employment statement on an annual basis by July 1st of each year disclosing your outside employment and the amount of compensation you received from MTC [Section 2-11.1(k)(2)]. In

the event you intend to commission for another project with MTC, you must also renew your permission for outside employment on an annual basis. [Section 2-11; AO 7-1]. As a final thought, "County business must be conducted free of influence of an employee's personal and private financial interests, both in appearance and in fact." See A.O. 7-1.

This opinion construes the Miami-Dade County Ethics Code and is based upon the facts and circumstances that you submitted. It is not applicable to any conflict under State law.. 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: Barba, Roxana (CUA)

Sent: Tuesday, August 01, 2017 5:34 PM

To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>

Cc: Margol, Deborah (CUA) <Deborah.Margol@miamidade.gov>

Subject: Request for Outside Employment

Hi Martha,

Please see attached a Request for Outside Employment, explaining the nature of the opportunity to discard the possibility of a conflict.

Copied here is my Deputy Director Deborah Margol.

Thank you in advance for your attention,

Roxana Barba, Projects Administrator

Miami-Dade County Department of Cultural Affairs

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