

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, August 22, 2017 9:18 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: Johnny Farias, Councilmember District 15, Exploitation re use of banner, INQ 17-205

INQ 17-205 Farias

From: Johnny Farias [mailto:councilmanjohnnygfarias@gmail.com]
Sent: Friday, August 18, 2017 2:04 PM
To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: RE: Johnny Farias, Councilmember District 15, Exploitation re use of banner, INQ 17-205

I kind if get it, the law language is very confusing. I will keep it simple so I don't get myself in trouble.

Councilman Johnny G Farias
Miami-Dade District 15/154

On Aug 18, 2017 1:42 PM, "Perez, Martha D. (COE)" <Martha.Perez2@miamidade.gov> wrote:

Good morning Mr. Farias,

Back in July 2016, you indicated that you are involved in "Book Bag Days" through the Guardian Ad Litem Program where you donate book bags with school supplies to schools within your district for distribution to children in need. See INQ 16-191. At that time you inquired whether you may solicit donations from third parties on behalf of the GAL or a PTA. We advised you that you were prohibited from directly soliciting donations on behalf of third parties See Section 2-11.1(e)(2), INQ 14-26.

In this present inquiry, you would like to know whether it is permissible under the County Ethics Code to wear a shirt with one's official title during the "Book Bag Days" or other similar events. I direct you to INQ 16-277 which discusses situations when it is appropriate to use one's official title on a shirt. The County Ethics Code does not prohibit the use of one's official title on a shirt identifying you as Councilman for District 15 provided the use of the title is *solely* for identification purposes and not for personal gain or benefit OR to promote your private business interests. While the suggested language on the attached sample is not a violation of the County Ethics Code, keep in mind that it is not your title but rather, how you use your title that may present a conflict of interest.

Consequently, you and your "team" may wear the shirt.

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

Sincerely,

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](tel:(305)350-0656)

PEREZMD@miamidade.gov

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From: Johnny Farias [mailto:councilmanjohnnygfarias@gmail.com]

Sent: Friday, August 18, 2017 7:25 AM

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

Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>

Subject: Re: Johnny Farias, Councilmember District 15, Exploitation re use of banner, INQ 17-201

Okay I understand, one more question, can I use this as the shirts for my volunteers at my book bag event, and other events I host. I attached a picture. I can remove anything you recommend. This is just a model.

Councilman Johnny G Farias
Miami-Dade District 15/154

On Aug 15, 2017 3:14 PM, "Perez, Martha D. (COE)" <Martha.Perez2@miamidade.gov> wrote:

Good afternoon Mr. Farias,

You inquire whether you may use your official title in a banner to be exhibited at an upcoming Farm Share event in Goulds Park.

Background

You are the Community Councilmember for Miami-Dade County District 15. You are hosting a Farm Share event at Goulds Park on August 25, 2017. Farm Share is a 501 (c)(3) non-profit organization dedicated to the recovery, packing, sorting and distribution of nutritious food to people in need (i.e., homeless shelters, churches, soup kitchens, individuals who cannot afford to pay for food).

Analysis

Under some circumstances, the use of one's official title may constitute Exploitation of Official Position under Section 2-11.1(g) of the County Ethics Code. However, as I explained to you in INQ 16-277, the use of one's official title may be permissible, provided it is used for identification purposes and not for personal gain or benefit or to promote one's private business interests. In INQ 15-175, the Ethics Commission staff opined that a Miami-Dade County deputy mayor may use his official title in correspondence concerning a fundraising event on behalf of a bona fide 501 (c)(3) organization. *See also* INQ 16-220 (the use of one's official title on a shirt identifying her as a public official is permissible provided the use of the title is to identify and not intimidate); INQ 14-205 (the use of identifying apparel does not constitute exploitation of official position provided it is not used to exert any official authority or pressure and is used merely as a means of identification).

Consequently, the County Ethics Code does not prohibit you from identifying yourself as a Councilmember in a banner exhibited at an event on behalf of Farm Share. However, because this is not a County government event, you should not use any public resources (i.e., the banner should not be County-issued) and should not use your official title for personal gain or benefit.

This opinion is based on the facts as presented. If any of these facts are not accurate or change in the future, please contact us.

Sincerely,

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](tel:(305)350-0656)

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From: Johnny Farias [mailto:councilmanjohnnygfarias@gmail.com]
Sent: Sunday, August 13, 2017 11:06 AM
To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: Banner

Good Morning, I am writing because I have asked my office staff and they directed me to this department for my question.

My question is this, On Aug, 25 2017 from 9 AM to 1 PM I will be hosting a farm share event at Goulds Park. The event has already been approved and the permit also has been approved. What I would like to know is can I have a banner with my Name, Position and maybe picture for this event. It will be almost exactly as the Business card that was given to us by the County except without the personal info as telephone, address...

I have attached the proof BC of what the County issues us, so you see what it has.

Thank You,

Councilman Johnny G Farias

District 15 SubArea 154

Under Florida law, this e-mail address is public record. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact my office by phone or in writing.

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