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EYE ON ETHICS

NEWSLETTER OF THE MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST



Issue 27 - Eye on Ethics Newsletter



Commission on Ethics & Public Trust by the Numbers:

This past fiscal year, the Ethics Commission generated 36 Public Housing and Community Development (PHCD) opinions. These are opinions for individuals seeking to contract with the PHCD Departments to obtain housing through programs administered by PHCD

Director's Message



Dear Friends & Colleagues,

As the summer months approach, campaigning for upcoming municipal elections starting in August will commence in earnest. In the next several months, there will be elections in cities across Miami-Dade County as well as elections for a number of Board of County Commission seats as a result of term-limited incumbents

leaving office.

Election season is historically a busy time for the Ethics Commission as it responds to ethics opinion requests regarding use of public resources,

Quick Links



Commissioners

Dr. Judith Bernier, Chair

enforcement referrals relating to alleged violations of the Ethics Code or the Ethical Campaign Practices Ordinance, and requests for campaign practices training.

Recent referrals regarding the appropriate use of government resources by local elected officials supporting or opposing measures, a prohibited practice under new state law, and access and limitations on the right of citizen activists to address local boards as guaranteed by the Citizens' Bill of Rights, suggest that this season may be a particularly busy one for the Ethics Commission.

As part of its role in supporting ethical campaign practices, the Ethics Commission's annual reminder memorandum regarding Limitations on Political Activities of County and Municipal Officers and Employees will soon be included in this month's newsletter and will also go out to all municipal clerks and the County Clerk of the Board. The memo will also be posted on the Ethics Commission's website. For several years, the Ethics Commission has distributed the reminder memorandum as guidance for local government officials and employees and also as a resource for citizens that wish to report elections related ethical or criminal misconduct.

This year the memorandum has two additional bullet points. One is a reminder that paid political campaign work constitutes outside employment for county and municipal employees and must be reported to the supervisor of elections for county employees and to the municipal clerk for city employees. The second is a reminder that under state law effective July 1, 2002, local government elected officials, employees, or lobbyists working on behalf of local government may not use public funds for any communication sent to electors concerning an issue, referendum, or amendment, including any state question, that is subject to a vote of the electors.

Also, the Ethics Commission's legal staff has been engaged with citizen activists and municipal attorneys regarding the application of the Right to be Heard provision in the County's Citizens' Bill of Rights. This provision guarantees a citizen's right to be heard before County and municipal boards. As elections season proceeds, the rights and limitations of this County Charter provision may be the subject of ethics opinions or enforcement actions.

The Ethics Commission will soon be collaborating with our long-term partners at the County Supervisor of Elections to provide ethical campaign practices training throughout the County. Look for us in Key Biscayne where we will kick off this election cycle's training.

This last month, the Ethics Commission provided training to our Municipal Clerk partners in a session hosted by the Town of Medley. We also provided specialized training to our County Clerk of Board's audit staff. Finally, we also provided training to the Childrens' Trust Board of Directors. Special thanks to the Town of Medley, the Miami-Dade County Municipal Clerks Association, and the Childrens' Trust for hosting us.

Wifredo Gort, Vice
Chair
Nelson C. Bellido Esq.
Judge Lawrence A.
Schwartz
Tamara F. Lawson, Esq.

Executive Director
Jose J. Arrojo, Esq.

General Counsel
Martha Perez, Esq.

Advocate
Radia Turay, Esq.



FAQ



**Florida Commission
on Ethics**

In conclusion, the Ethics Commission recently welcomed law school professor and dean, Tamara Lawson, as a new Ethics Commissioner. Dean Lawson fills the St. Thomas University School of Law position on the Ethics Commissioner. Dean Lawson's professional biography is profiled in one of the articles in this month's newsletter.

Thank you all for your continued support.

Best regards,
Jose

REMINDER: Limitations on Political Activities Memo



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: All County and Municipal Elected Officials and Employees

FROM: Jose J. Arrojo, Executive Director
Miami-Dade Commission on Ethics and Public Trust *Hayj*

RE: Limitations on Political Activities of County and Municipal Officers and Employees

DATE: June 1, 2022

As we approach fall election dates in a number of our cities, together with our partner agencies, this annual reminder serves the purpose of underscoring limitations on the political activities of all county and municipal officers and employees during the current and upcoming election season. **There are new reminders contained in this memorandum.**

The following limitations are imposed by Florida Statute, Sections 104.31, 106.113, 106.15, and by the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance at Section 2-11.1 of the Code of Miami-Dade County, and other state laws, local ordinances and previously issued administrative orders:

- While all local officials and employees have a right to engage in political campaign activities, they must not use their official authority to influence another person's vote or to affect the outcome of an election.
- County and municipal staff wishing to be involved in political campaigns should limit such activity to off-duty hours.
- **Paid political campaign work constitutes outside employment for county and municipal employees and must be reported to the supervisor of elections for county employees and to the municipal clerk for city employees.**
- Political campaign activities may not involve the use of public resources in support of any political campaign or candidate, including office stationery, telephones, computers, or vehicles. Taxpayers' monies must be used exclusively for public purposes.
- **A local government or a person acting on behalf of local government may not expend or authorize the expenditure of public funds for any communication sent to electors concerning an issue, referendum, or amendment, including any state question, that is subject to a vote of the electors. This applies to a communication initiated by a local government or a person acting on behalf of a local government, irrespective of whether the communication is limited to factual information or advocates for the passage or defeat of an issue, referendum, or amendment. (Effective July 1, 2022)**

- No public official or employee may coerce anyone to support any candidate or to contribute to a political campaign.
- No one may solicit or accept a political contribution in a government building, unless that building has been rented for the purpose of holding a campaign fund raiser.
- Violations of these provisions may result in criminal charges, civil ethics or election violations, and/or administrative actions.

The prohibition against on-duty political activity does not prohibit casual political discussions in the workplace. Voluntary non-coercive speech of a political nature, like other non-work-related discussions on matters of public interest, is protected by the First Amendment provided that it does not interfere with the proper functioning of the workplace and the effective provision of public services.

Any public employee having knowledge of any violations of these prohibitions, or of any other illegal or improper activities in connection with the elections, should report these matters at once.

Agencies having jurisdiction over election complaints include the following:

Miami-Dade Commission on Ethics & Public Trust

305-579-2594 (office)

786-314-9560 (hotline)

Email: ethics@miamidade.gov

Website: ethics.miamidade.gov

Florida Elections Commission

850-922-4539 (office)

To file a complaint, visit their Website: fec.state.fl.us

Miami-Dade Office of the State Attorney

Public Corruption Unit

305-547-0664 (office)

305-547-3300 (hotline)

Website: miamisao.com

Miami-Dade Police Department

Public Corruption Investigations Bureau

305-599-3121 (office)

Email: pcsinfo@mdpd.com

Florida Department of Law Enforcement

Miami Regional Operations Center

(786) 336-1000 (office)

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UP IN **#OURCOUNTY****



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GO TO [MIAMIDADE.GOV/VACCINE](https://miamidade.gov/vaccine).

New COE Commissioner Appointed



Early this month, Chief Judge Nushin Sayfie administered the oath of service to newly appointed Commissioner Tamara F. Lawson, Dean and Professor of Law at St. Thomas University College of Law. Commissioner Tamara Lawson will fill the law school appointment on the Miami-Dade County Commission on Ethics and Public Trust, as University of Miami Professor Charlton Copeland completed his term as Commissioner earlier this month. The law school appointment rotates on a four-year basis between the University of Miami and St. Thomas University.

Before assuming her role as Dean at the St. Thomas University College of Law, Commissioner Lawson served as the law school's Associate Dean for Academic Affairs from 2017- 2018, and Associate Dean for Faculty Development from 2013-2017.

Commissioner Lawson joined the St. Thomas Law faculty in 2004 and was awarded "Professor of the Year" in 2005 and 2006. In addition to her administrative duties, she teaches Criminal Law, Criminal Procedure, Evidence, and a seminar on Race and the Law.

Prior to joining the law faculty, Commissioner Lawson served as a Deputy District Attorney for the Clark County District Attorney's Office in Las Vegas, Nevada, from 1996-2002. As a criminal prosecutor, she worked in the Special Victims Unit for Domestic Violence, argued multiple cases before the Nevada Supreme Court, including death penalty cases, and also served in various other assignments in the prosecutor's office.

Commissioner Lawson's research is published in prestigious law journals such as the American Journal of Criminal Law, the Iowa Law Review, the Columbia Journal of Gender and Law, Loyola University Chicago Law Journal; University of Florida Journal of Law, and Public Policy; and the University of Maryland Journal of Race, Religion, Gender, and Class. She also serves as the Chair of the Law Professors Division of the National Bar Association and as a member of the Board of Trustees for the Law School Admission Council.

Commissioner Lawson received her B.A. from Claremont McKenna College, her J.D. from the University of San Francisco, and her LL.M. from Georgetown University Law Center.

Ethics Message to City of Hialeah Fire Trainees



City of Hialeah Medical Services Division Chief, Emmanuel Louis, recently visited the COE to engage with the COE Executive Director, Jose Arrojo, and to film a brief Q & A session to be presented to the city's next batch of cadets who want to join the firefighting ranks and are currently enrolled in the *Ethics in the Fire Services* Course.

Fire departments must seek to create and sustain a culture that encourages integrity, transparency, trust, and ethical behavior and the Ethics Commission supports the City of Hialeah's efforts to realize this goal.

The COE will continue to further its partnership with the City of Hialeah during next month when COE staff attorneys will visit the city's commission chambers to deliver ethics training to all of the city's employees.

COE Takes Part in Youth Do the Write Thing Challenge

DO THE WRITE THING CHALLENGE

A national essay contest for middle school students to speak out about how violence affects their lives, and share their ideas about what we all must do to stop it.



This month, the COE participated in the Blue Ribbon Panel of The Do the Write Thing



Challenge (DTWT), an initiative of the National Campaign to Stop Violence (NCSV). The DTWT Challenge is a writing program for middle school students that positions them as community catalysts as they examine the root causes and impact of youth violence.

At the beginning of an academic year, educators facilitate middle school students in alleviating violence in their communities through NCSV-sponsored discussion and introspection. These activities, aligned with the common core to enhance the content curriculum, aim to amplify student voices, reinforce a sense of community, and propel their communities to make changes.

As part of the DTWT Challenge, students were tasked to write an essay answering the following questions:

1. What are the causes of youth violence?
2. How has violence affected your life?
3. What can you do to reduce youth violence?

This year there 1,400 submissions from middle schools across Miami-Dade County, and the creativity and thoughtfulness of the student submissions did not disappoint. COE Executive Director Jose Arrojo read and scored submissions from the 26 finalists.

In a local ceremony that was held at the Miami Office's of Holland & Knight, a firm who sponsors the event, the 26 finalists were individually recognized and the two winners of the challenge were announced as Yara Korse and Neale Villaraos.

Both of the winners will now participate in the national recognition ceremony in Washington, D.C. in July, where they will join other middle school students from 26 cities across the country to discuss the impacts of youth violence.

Congratulations to Yara and Neale as well as the 1,400 participants in this years challenge!

May - Commission Meeting Actions



Summary of the Miami-Dade County Commission on Ethics & Public Trust Meetings Held on May 11, 2022

The Miami-Dade County Commission on Ethics and Public Trust held a public meeting on May 11, 2022. The following actions took place:

Ethics Commission Recognizes Departing Commissioner

COE Chairwoman Judith Bernier recognized outgoing Commissioner Charlton Copeland and presented him with a plaque in appreciation for his years of service to the Miami-Dade County community.

Ethics Commission Briefed on Right to be Heard provision of the Citizens' Bill of Rights

COE Executive Director Jose Arrojo briefed the Ethics Commission on an issue that has arisen in one of the municipalities relating to a citizen's right to be heard before an elected commission on a non-agenda item that is within the government entity's jurisdiction. Mr. Arrojo advised the Ethics Commission that he was scheduled to meet with the municipality's representatives and that he would report back at an upcoming meeting.

Complaint Filed Against Former Miami Springs City Attorney, City Planner, and City Manager Found Not Legally Sufficient

C 22-14-03, C 22-15-03, C 22-16-03: Complaints filed against former Miami Springs City Attorney Dan Espino, current City Planner Chris Heid, and Manager/Finance Director William Alfonso were found to be Not Legally Sufficient and dismissed.

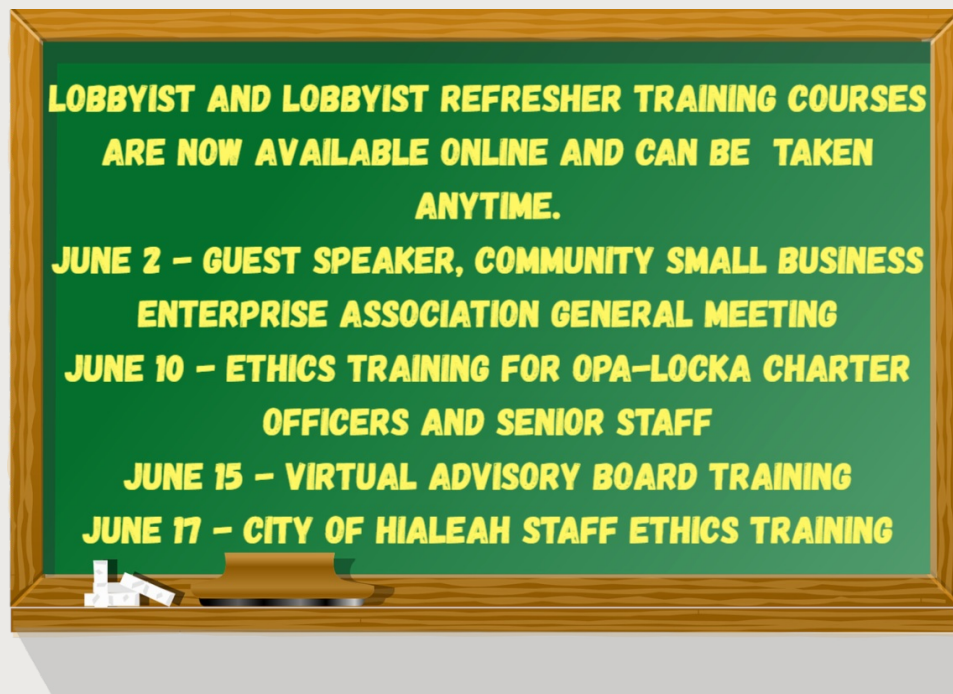
The complaints alleged that the City officials violated the Truth in Government provision of the Citizens' Bill of Rights when they allegedly failed to correct an erroneous statement made by a Board member during a public hearing.

Complaints Filed Against Small Business Owners Dismissed

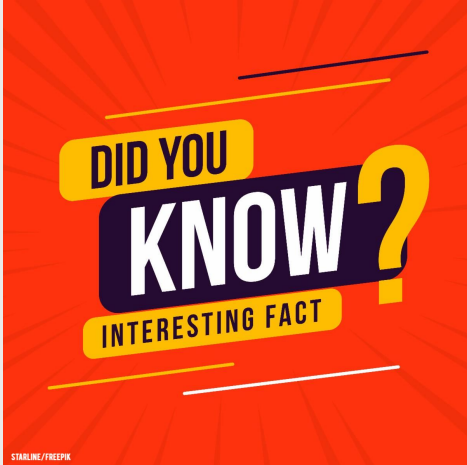
C 22-24-05, C 22-26-05, C 22-27-05: The Ethics Commission found Probable Cause in three complaints involving small business owners for failing to register as lobbyists, a violation of the Lobbying section of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

The Commission dismissed the three complaints and ordered that a letter of instruction be issued to each respondent. The dismissals were based on a finding that the public interest would not be served by proceeding further and the lobbying violations were inadvertent, unintentional, or insubstantial.

Educating the Community / Upcoming Events



During their tenure, members of the Commission may not hold or campaign for any elective political office, hold office in any political party or political committee, actively participate in or contribute to any



political campaign or political action committee, be employed by Miami-Dade County or any municipality within Miami-Dade County or allow his or her name to be used by a campaign in support of or against any candidate for political office or any referendum or other ballot question.

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