

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, May 01, 2018 10:48 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Enid Demps, Councilmember, Miami-Dade Community Council #15 (Citizens' Bill of Rights, Jennings) INQ 18-110,

INQ 18-110 Demps

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**From:** Turay, Radia (COE)  
**Sent:** Monday, April 30, 2018 5:10 PM  
**To:** Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>  
**Cc:** Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>  
**Subject:** FW: INQ 18-110, Enid Demps, Councilmember, Miami-Dade Community Council #15 (Citizens' Bill of Rights, Jennings)

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**From:** Turay, Radia (COE)  
**Sent:** Monday, April 30, 2018 5:09 PM  
**To:** 'Enid Demps' <[enidwash@bellsouth.net](mailto:enidwash@bellsouth.net)>  
**Cc:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Subject:** INQ 18-110, Enid Demps, Councilmember, Miami-Dade Community Council #15 (Citizens' Bill of Rights, Jennings)

Dear Ms. Demps,

You are a Councilwoman for Miami-Dade Community Council #15. You have inquired regarding the use of your title when attending community meetings hosted by non-governmental organizations. Specifically, you have inquired whether:

- 1) You can write that you represent Miami-Dade Community Council #15 on the organization's sign-in sheet?
- 2) You can speak at a community meeting as representing Community Council #15?

### Legal Analysis

Under the County Ethics Code, the use of one's official title may be permissible, provided it is used for identification purposes and not for personal gain or to promote one's private business interests. See INQ 17-201, INQ 16-277, INQ 16-220, INQ 15-175, and INQ 14-205.

The Ethics Commission has also suggested that in order to avoid possible violations of subsection (A)(2) of the Citizen's Bill of Rights, *Truth in Government* provision, when appearing before another board or in this case a non-governmental organization, "elected officials should attempt to make it clear whether they are speaking as an individual public official, or whether they are speaking on behalf of the public board they sit on." See K 14-100. K14-100 goes on to advise that "elected officials, should take the very simple step of prefacing their personal remarks by stating something along the lines of "today I am speaking for myself and not for the entire board.""

Consequently, while it may be permissible to use your official title for identification purposes, you should, however, make it clear that you are speaking as an individual citizen, and not speaking on behalf of the public board you sit on, unless your public board has specifically designated/given you the authority, to speak for it on a particular issue.

Further, please note that the County adheres to the original rule in *Jennings v. Dade County*, 589 So. 2d 1337 (Fla. 3d DCA 1991), *review denied*, 598 So. 2d 75 (Fla. 1992), which prohibits public board members sitting in quasi-judicial proceedings from engaging in private discussions outside of the public hearing, regarding a pending issue or an issue that would foreseeably come before the board. Violations of the rule create a presumption of prejudice that could lead to an overturning of a decision made in the wake of a *Jennings* violation. See INQ 15-213 and INQ 13-75. Therefore, please be advised that you may not have any ex-parte communications regarding a matter that would foreseeably come before Community Council #15, outside of the public hearing on the matter.

This opinion is based on the facts as presented. If any of the facts you have presented change or if you have further questions, please do not hesitate to contact us.

Sincerely,

Radia Turay  
Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 350-0601  
Fax: (305) 579-0273  
Ethics.miamidade.gov

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**From:** Enid Demps [<mailto:enidwash@bellsouth.net>]  
**Sent:** Wednesday, March 14, 2018 11:29 AM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Subject:** Re: INQ 17-279, Enid Demps, Miami-Dade Community Council #15 (Contracting with the County)

This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected emails. Please click here if this is a suspicious message [reportspam@miamidade.gov](mailto:reportspam@miamidade.gov) **Enterprise Security Office**

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GM Ms. Turay,

Question - When I attend community meetings and the organization has a sign in sheet that asks for the organization that I am representing, CAN I SIGN IN AS REPRESENTING MIAMI-DADE COMMUNITY COUNCIL #15?  
and CAN I SPEAK AT THE COMMUNITY MEETING AS REPRESENTING COMMUNITY COUNCIL #15?

Thanks,  
Enid W. Demps  
Councilwoman - Community Council 15

On Monday, December 11, 2017 4:24 PM, "Turay, Radia (COE)" <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)> wrote:

Dear Ms. Demps,

You have inquired regarding whether a conflict of interest exists under the County Ethics Code where you are a Miami-Dade Community Councilwoman and the Executive Director for a non-profit that is receiving grant funding from the Miami-Dade Office of Management and Budget (OMB).

### Background

- You are a Councilwoman for Miami-Dade Community Council 15.
- You also serve as the Executive Director of The Optimist Foundation of Greater Goulds (“Optimist Foundation”), a non-profit organization.
- You receive compensation for the work that you do for the Optimist Foundation.
- Your husband also serves as a board member for the Optimist Foundation.
- The Optimist Foundation is receiving a General Fund Grant from OMB.
- The Community Council on which you serve does not oversee, administer, or manage the grant that Optimist Foundation is receiving.
- Miami-Dade County Procurement Management Services Division requested that you obtain a Conflict of Interest Opinion from the Commission on Ethics and Public Trust.

### Legal Analysis

The County Ethics Code at Sec. 2-11.1(c)(3) prohibits a Community Council member from entering into a contract with the County if the board/council on which she serves would oversee the contract. Further, Sec. 2-11.1(m)(2) prohibits a County Community Council member from making presentations or seeking any benefits for herself or others from the board/council on which she serves. Sec.2-11.1(v) is also relevant because it prohibits a County Community Council member from voting on a matter if she would be directly affected by the vote **and** has the following relationship with any persons or entities appearing before the council on which he or she serves: officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary, stockholder, bondholder, debtor or creditor. See INQ 15-168 and INQ 17-07.

Based on the facts you presented, you would not have a prohibited conflict of interest because the Community Council on which you serve would not be involved in any aspect of the grant funding that the Optimist Foundation is receiving from OMB. This opinion construes the Miami-Dade Conflict of Interest Ordinance only and is not applicable to any conflict under state law. See INQ 15-168 and INQ 17-07.

If any of the facts you have presented change or if you have further questions, please do not hesitate to contact us.

Sincerely,

**RADIA TURAY**

Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 350-0601  
Fax: (305) 579-0273  
Ethics.miamidade.gov

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**From:** Enid Demps [<mailto:enidwash@bellsouth.net>]  
**Sent:** Friday, December 08, 2017 11:07 AM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Subject:** Re: INQ 17-06 Enid W. Demps, Community Council #15 (Limitations on Contracting with the County)

Ms. Turay,

I serve on Community Council 15 and we do not oversee, administer, or manage the grant received from OMB-OGC for The Optimist Foundation of Greater Goulds, FL Inc..

Thanks,  
Enid W. Demps

On Tuesday, December 5, 2017 10:00 AM, "Turay, Radia (COE)" <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)> wrote:

Hello Ms. Demps,

Please confirm that [the Community Council on which you serve does not oversee, administer, or manage the grant that Optimist Club is applying for.](#)

Thanks,  
Radia.

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**From:** Turay, Radia (COE)  
**Sent:** Tuesday, December 05, 2017 9:59 AM  
**To:** 'Enid Demps' <[enidwash@bellsouth.net](mailto:enidwash@bellsouth.net)>  
**Subject:** RE: INQ 17-06 Enid W. Demps, Community Council #15 (Limitations on Contracting with the County)

Hello Ms. Demps,

I will write a new letter. I should hopefully send it to you before the end of the day today.

Thanks,  
Radia.

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**From:** Enid Demps [<mailto:enidwash@bellsouth.net>]  
**Sent:** Thursday, November 30, 2017 5:26 AM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Subject:** Re: INQ 17-06 Enid W. Demps, Community Council #15 (Limitations on Contracting with the County)

GM Ms. Turay,

The Optimist Foundation of Greater Goulds, Florida Inc is receiving a General Fund grant award from OMB-OGC. The "Foundation" is required to apply to become a County Vendor. I am the Executive Director for the "Foundation".

The Miami-Dade County Procurement Management Services Division advised that I am required to obtain a Conflict of Interest Opinion from your department. I received an opinion from you on January , 2017 for the same reason, however, the organization (The Greater Goulds Optimist Club) was different. And the requestor was different (grant from Commissioner Levine Cava).

Just want to know can I use this same opinion or does it require a new opinion.

Thanks,  
Enid W. Demps

On Monday, January 9, 2017 3:59 PM, "Turay, Radia (COE)" <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)> wrote:

I apologize Ms. Demps, the INQ # is actually INQ17-06

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**From:** Enid Demps [<mailto:enidwash@bellsouth.net>]  
**Sent:** Friday, January 06, 2017 4:58 PM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Subject:** Re: INQ 17-07 Enid W. Demps, Community Council #15 (Limitations on Contracting with the County)

Thanks so much !!!!

Enid W. Demps

On Friday, January 6, 2017 4:06 PM, "Turay, Radia (COE)" <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)> wrote:

Hello Ms. Demps,

The INQ number is 17-07.

Thanks,  
Radia.

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**From:** Turay, Radia (COE)  
**Sent:** Friday, January 06, 2017 4:04 PM  
**To:** 'Enid Demps' <[enidwash@bellsouth.net](mailto:enidwash@bellsouth.net)>  
**Cc:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Subject:** INQ 17-01 Enid W. Demps, Community Council #15 (Limitations on Contracting with the County)

Dear Ms. Demps,

You have inquired regarding whether a conflict of interest exists under the County Ethics Code where you are a Miami-Dade Community Councilwoman and the Executive Director for a non-profit that is applying for grant funding from the Miami-Dade Office of Management and Budget.

Background

- You are a Council woman for Miami-Dade Community Council 15.
- You also serve as the Executive Director of The Greater Goulds Optimist Club (“Optimist Club”), a non-profit organization.
- You receive compensation for the work that you do for the Optimist Club.
- Your husband also serves as a board member for the Optimist Club.
- The Optimist Club is applying for grant funding through the District 8 Nonprofit Academy: Capacity Building Request for Proposal (RFP)
- The Community Council on which you serve does not oversee, administer, or manage the grant that Optimist Club is applying for.
- The RFP specifically states that “elected officials and Government Board Appointees must get written approval stating no conflict of interest from the Miami-Dade Commission on Ethics.”

Legal Analysis

The County Ethics Code at Sec. 2-11.1(c)(3) prohibits a Community Council member from entering into a contract with the County if the board/council on which she serves would oversee the contract. Further, Sec. 2-11.1(m)(2) prohibits a County Community Council member from making presentations or seeking any benefits for herself or others from the board/council on which she serves. Sec.2-11.1(v) is also relevant because it prohibits a County Community Council member from voting on a matter if she would be directly affected by the vote **and** has the following relationship with any persons or entities appearing before the council on which he or she serves: officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary, stockholder, bondholder, debtor or creditor.

Based on the facts you presented, you would not have a prohibited conflict of interest because the Community Council on which you serve would not be involved in any aspect of the grant funding/RFP that the Greater Goulds Optimist Club will be applying for. This opinion construes the Miami-Dade Conflict of Interest Ordinance only and is not applicable to any conflict under state law.

If any of the facts you have presented change or if you have further questions, please do not hesitate to contact us.

Sincerely,

**RADIA TURAY**

Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, Fl 33130  
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**From:** Enid Demps [<mailto:enidwash@bellsouth.net>]  
**Sent:** Wednesday, January 04, 2017 4:28 PM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Subject:** Re: Conflict of Interest

786-333-4137

Thanks,  
Enid W. Demps

On Tuesday, January 3, 2017 3:58 PM, "Turay, Radia (COE)" <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)> wrote:

Hello Ms. Demps,

My name is Radia Turay. I am a staff attorney at Miami-Dade COE. I will be responding to this inquiry. I need a little more information. Please provide a telephone number at which I can reach you so I can better assist you.

Best regards,  
Radia.

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**From:** Enid Demps [<mailto:enidwash@bellsouth.net>]

**Sent:** Monday, January 02, 2017 12:08 PM

**To:** Ethics (COE) <[ethics@miamidade.gov](mailto:ethics@miamidade.gov)>

**Subject:** Conflict of Interest

GM,

I am Requesting an approval stating no conflict of interest from the Miami-Dade County Commission on Ethics.

I am a Councilwoman for Community Council 15.

My employer, The Greater Goulds Optimist Club is applying for a grant - District 8 Nonprofit Academy:Capacity Building Request for Proposal. The Greater Goulds Optimist Club receives grant funding from Miami-Dade OMB-GC.

The RFP requires a written approval from the Commission on Ethics regarding "no conflict of Interest".

I have attached a copy of the page from the RFP requesting this information. And I have also attached your form "County Board Members Wishing to Register as County Vendors". However, I am NOT registering as a County Vendor, the attachment is only to show my information as a Community Council 15 Board Member.

Thanks,  
Enid W. Demps