

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, June 06, 2018 9:36 AM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-131, Sonless Martin, Commission Aide, District 7 (outside employment)

INQ 18-131 Martin

From: Turay, Radia (COE)
Sent: Friday, June 01, 2018 4:36 PM
To: Padron, Joanne (DIST7) <Joanne.Padron@miamidade.gov>; Martin, Sonless (DIST7) <Sonless.Martin@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Camejo, Oscar (TPO) <Oscar.Camejo@miamidade.gov>
Subject: INQ 18-131, Sonless Martin, Commission Aide, District 7 (outside employment)

Dear Mr. Martin:

You have inquired about possible conflicts of interest regarding your County employment and your service as:

- 1) A member of the Miami-Dade County Transportation Aesthetic Review Committee (TARC)
- 2) A board member of the Black Professional Network (BPN)
- 3) A board member BAC Funding Corporation (BAC)
- 4) A managing member of Collaborative Consulting Group, LLC

Background

You are employed as a Commission Aide for Miami-Dade Commissioner Xavier L Suarez. Your job responsibilities include assisting the Commissioner with constituent matters; working on legislation and policy such as affordable housing and economic development; and representing the Commissioner at events, meetings, presentations, or other functions which will require local travel and evening/weekend work.

Analysis

- A) As to your involvement with the Miami-Dade County Transportation Aesthetic Review Committee(TARC):

You are a member of the Miami-Dade County Transportation Aesthetic Review Committee (TARC). The goal of TARC is to make transportation projects visually friendly to commuters and the community, as well as creating a sense of place. Pushing the standard parameters of materials, sites, and design excellence are just some of the objectives by with TARC achieves this goal. TARC is responsible for advising the Transportation Planning Organization (TPO) Governing Board on matters that pertain to high-visibility projects that could affect the outward appearance of the community.

The Miami-Dade TPO Governing Board approves federally required plans and transportation policies. Commissioner Xavier Suarez is a member of the TPO Governing Board.

We have consulted with Mr. Oscar Camejo, TARC coordinator, he explained that TARC does not review any application or proposals submitted to the TPO for approval. They are not involved in the selection committee process. **After** a public transportation project is awarded, TARC may review the project to make sure the project is visually friendly to

commuters. After a recommendation is made by TARC, the responsible department may consider TARC's recommendations.

The TPO Governing Board gets a copy of the minutes of TARC meetings and the attendance record. They do not approve or take any action at to TARC's recommendations.

While there are no prohibitions against a County employee serving on a County board or Committee, there are several factors that would need to be considered. The following is a non-exclusive list of some of the Ethics Code provisions likely to be triggered:

- Sec. 2-11.1(v) prohibits board members from voting on matters involving entities in which they have any of the following relationships (officer, director, partner, of counsel, consultant, employee, fiduciary, beneficiary, stockholder, bondholder, debtor or creditor) if they would be directly affected by the vote. See INQ 16-03.
- Sec. 2-11.1(g) prohibits board members from exploiting their official positions to secure special privileges or exemptions for themselves or others. (For example, a County employee may be required to attend board meetings during working hours which would require a determination by his or her supervisor that such activity is permissible). See INQ 16-03.
- Sec. 2-11.1(j) prohibits County employees from engaging in certain activities that would impair their independence of judgment in the performance of their public duties to the County. (For example, a County employee should avoid dealing in his or her County position with any issue that could foreseeably come before him or her as a member of the board and vice versa). See INQ 16-03.
- Sec. 2-11.1(h) prohibits board members from disclosing confidential information obtained through their official positions with the County (both as employee and board member) or use such information, directly or indirectly, for personal gain or benefit. See INQ 16-03.

Based on the information you and Mr. Oscar Camejo provided, it does not appear that a conflict of interest exists between your County employment and your committee position on TARC because you and Commissioner Suarez do not sit on the same board (therefore no violation of the Sunshine Law); TARC is not involved in the selection or award process of any public transportation decision that would be made by the TPO; TARC's role is limited to making recommendations to ensure that a project is visually friendly to commuters **after** a public transportation project is awarded; and the TPO on which Commissioner Suarez sits does not approve, or take any action regarding the recommendations made by TARC.

B) As to your involvement as an advisory board member of the Black Professional Network (BPN) and BAC Funding Corporation:

Black Professionals Network (BPN) is a 501(c)(3) non-profit leadership and professional development organization. BPN's mission is to develop motivated and goal-oriented black professionals into industry-ready leaders for the organizations and communities they serve. They do not currently do business with the County.

BAC Funding Corporation and Affiliates (BAC) are a 501(c)(3) Florida Nonprofit Community Development Corporation. It provides economic stimulus to African-American owned businesses with a creative approach to financial solutions. Investment capital provided allows the African American business community to target economic development and business opportunities in the growth sectors of the South Florida economy for economic development to perpetuate wealth for all of South Florida. They do not currently do business with the County.

You serve both organizations on a volunteer basis. You do not receive any compensation for your service.

In general, there are no ethics conflicts regarding your County employment and your board service at BPN and BAC. However, several sections of the County Ethics Code should be addressed:

- Sec. 2-11.1(m)(2) prohibits you from appearing before any County board or agency or meeting with staff or elected officials to make a presentation or to seek a benefit (funding/grant) on behalf of the nonprofit organization;

- Sec. 2-11.1(h) prohibits you from disclosing confidential information acquired by reason of your official County position;
- Sec. 2-11.1(g) prohibits you from exploiting your County position to secure special privileges or exemptions for yourself or BPN and BAC.

We recommend that, in order to avoid the appearance of impropriety, you refrain from any involvement regarding your office and BPN or BAC. Although you may not appear before any County board or agency to seek any benefit on behalf of BPN or BAC, *it is also advisable*, in your role as a board member of BPN and BAC, to recuse yourself from voting or participating in discussions and/or votes relating to County applications for funding, County contracts or any other BPN or BAC initiatives involving the County.

BPN and BAC may accept grants from the County or enter into contracts with the County *as long as* you have not attempted to influence an official decision by the County to benefit the nonprofit organizations in any way. Please be advised that the County Ethics Commission has interpreted this prohibition very expansively to include any communications, in any form, intended to influence an individual within the County to take an official action. See INQ 16-22, INQ 12-13, INQ 11-01, INQ 10-201.

C) As to your being a managing member of Collaborative Consulting Group:

As noted above, you are employed as a Commission Aide for Miami-Dade Commissioner Xavier L Suarez. Your job responsibilities include assisting the Commissioner with constituent matters; working on legislation and policy such as affordable housing and economic development; and representing the Commissioner at events, meetings, presentations, or other functions which will require local travel and evening/weekend work.

You are seeking to engage in outside employment as a managing member of Collaborative Consulting Group, LLC (CCG), a for-profit company. In your role as a managing member you take photographs and you do some consulting work. CCG is not a County vendor.

Sections 2-11.1(j) and (k) of the County Ethics Code prohibit County employees from engaging in outside employment which would impair the County employee's independence of judgment in the performance of his or her official duties. Based on the information that you have provided to us at this time, it appears to be unlikely that the type of outside employment that you are seeking to engage in would impair your independence of judgement in the performance of your duties as a Commission Aide for Miami-Dade Commissioner Xavier L Suarez.

As a reminder, pursuant to the Miami-Dade County Code at Section 2-11, government employees are required to request permission to engage in outside employment from their supervisor on a yearly basis. In addition, Sec. 2-11.1(k)(2) of the Code requires filing an outside employment disclosure form on a yearly basis. Government employees are also cautioned that they may not engage in any activity which would require them to disclose confidential information acquired by reason of their official position, nor use such information directly or indirectly for their personal gain or benefit. See Sec. 2-11.1(h), Ethics Code. Lastly, a government employee may not use his or her official position to secure privileges or exemptions for themselves or others. See Sec.2-11.1(g), Ethics Code.

This opinion is based on the facts presented. If any of the facts presented here change, or if you have any further questions, please contact us.

Sincerely,

RADIA TURAY
Staff Attorney

Miami-Dade Commission on Ethics and Public Trust
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Miami, FL 33130
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From: Padron, Joanne (DIST7)
Sent: Friday, June 01, 2018 2:33 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: Sonless Martin's request for an ethics opinion

Hello – Would you like commissioner’s agreement in writing, via email?

Joanne Padron
Executive Aide
Commissioner Xavier L. Suarez
111 NW First Street
Suite 220
Miami, Florida 33128
Office: (305) 375-5680



From: Turay, Radia (COE)
Sent: Thursday, May 31, 2018 2:17 PM
To: Padron, Joanne (DIST7) <Joanne.Padron@miamidade.gov>
Subject: Sonless Martin's request for an ethics opinion

Hello Joanne,

It was a pleasure speaking with you a few minutes ago. As we discussed, please find the draft ethics opinion that we are about to issue to Sonless Martin. Although opinions regarding possible conflicts of interest in outside employment and outside employment guidelines presented by the Ethics Commission staff may serve as a reference, a County supervisor has discretion to deny permission to a County employee to engage in outside employment.

Therefore, Joe asked me to confirm with Commissioner Suarez that it was okay for Mr. Martin to engage in the activities described in the opinion prior to the COE issuing same.

Thanks for your assistance with this.

Sincerely,

RADIA TURAY

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