

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, June 28, 2018 10:00 AM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-158, Rose Grand-Pierre, Outreach Specialist, PROS (i)

INQ 18-158 Grand-Pierre

From: Turay, Radia (COE)
Sent: Monday, June 25, 2018 5:15 PM
To: Grand-Pierre, Rose (MDPR) <Rose.Grand-Pierre@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Libhaber, Bruce (CAO) <Bruce.Libhaber@miamidade.gov>
Subject: INQ 18-158, Rose Grand-Pierre, Outreach Specialist, PROS (i)

Dear Ms. Grand-Pierre,

You have inquired whether you need to fill out a Source of Income Form by July 1st.

Background

- You are employed as an Outreach Specialist at the Miami-Dade County Parks, Recreation and Open Spaces Department.
- You are not a Department Director, Assistant Department Director, nor do you have authority to make any purchase exceeding \$20,000 for Miami-Dade County.
- You own one single house which you rent out.
- You also serve as a board member on the County's Bicycle Pedestrian Advisory Committee (BPAC).
- The Bicycle Advisory Committee (BAC) was created by the Miami-Dade Transportation Planning Organization's (TPO) Governing Board as a subcommittee of the Citizens' Transportation Advisory Committee in 1984. In 1985, the BAC was made a separate committee. In the 1990's, the committee took on pedestrian issues as the Bicycle Pedestrian Advisory Committee (BPAC).
- The BPAC reviews transportation plans and projects for non-motorized mobility and safety, provides a forum for the discussion of issues affecting bicyclists and pedestrians, and reports to the TPO Governing Board on bicycle and pedestrian-related issues. It also assists the TPO staff in the development of a comprehensive bicycle transportation plan (a component of the Long-Range Transportation Plan), and reviews plans and projects for bicycle and pedestrian mobility in the Transportation Improvement Program.

Analysis

- 1) Do you need to file an Outside Employment Statement under Section 2-11.1(k)(2) due to the fact that you own one rental unit?

The County Ethics Code requires County employees who are engaged in outside employment to file a financial disclosure (Outside Employment Statement) regarding that outside employment by noon, July 1 of each year with the County Elections Department. In addition, a **separate** ordinance from the County Ethics Code, Miami-Dade Code Section 2-11.1, requires County employees to request permission to engage in outside employment (Outside Employment Request Form) on a **yearly basis**.

The Ethics Commission has however previously opined, that ownership of 3 or more rental units is considered outside employment unless a management company is hired to manage the units for the owner. See. RQO 06-48 and INQ 07-83.

Based on the information you have provided, it does not appear that you own 3 or more rental units so you do not need to file an Outside Employment Statement per the Ethics Commission's previous opinions on this subject.

2) Do you need to file the County Source of Income statement because you are a board member of the BPAC?

The County Code at Sec. 2-11.36.1 (a) defines "board" to include "every agency, authority, advisory board, regulatory board, quasi-judicial board, semiautonomous instrumentality, committee, task force or any other citizens' group created and funded in whole or in part by the Board of County Commissioners. The foregoing notwithstanding, this article shall not apply to citizen groups created for specific advisory purposes where such group's existence is limited to a period of less than one (1) year. Except as otherwise provided, "County boards" and "citizens' advisory groups" may only be created by action of the County Commission, and only the County Commission, as a body, may appoint the members of such boards and groups."

The County Code at Sec. 2-11.1 (i)(1) requires members of County boards (i.e., advisory bodies that have been in existence for one year or more) to file financial disclosure forms for every year in which they served on the board.

Based on the information received from the TPO Boards' coordinator and from the BPAC's website, it appears that the BPAC is not considered a County board because it was not created by the BCC. It was created by the TPO, which was created under Section 163.01, Florida Statutes, and established by Interlocal Agreement between Miami-Dade County and the Florida Department of Transportation (FDOT). Thus, as a member of the BPAC you are likely subject to the financial reporting requirements under Section 112.3145(1)(a) Florida Statutes (216).

Please note that Section 112.3145(d), Florida Statutes exempts citizen advisory committees, technical coordinating committees, and such other groups who only have the power to make recommendations to planning or zoning boards from filing financial disclosure (State Form 1). Final determinations on issues regarding financial disclosures under Chapter 112 however, rest with the Florida Commission on Ethics (FCOE).

You may contact Assistant County Attorney, Bruce Libhaber, for further assistance on this issue. You may also obtain additional information on state financial disclosure forms on the FCOE's website at:

<http://www.ethics.state.fl.us/FinancialDisclosure/DownloadAForm.aspx>.

This opinion is based on the facts presented. Please contact us if the facts change.

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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Ethics.miamidade.gov

From: Grand-Pierre, Rose (MDPR)

Sent: Monday, June 25, 2018 11:20 AM

To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>

Subject: RE: Request for Opinion from Experts

Hi Radia,

Thank you for following up. Please see highlighted responses below.

Rose M. Grand-Pierre, Outreach Specialist

Lean Certified

Communications and Marketing Division

Miami-Dade County Parks, Recreation and Open Spaces Department

275 NW 2nd Street, 3rd Floor, Miami, Florida 33128

305-755-7877 Phone

305-323-9813 Mobile

Rose.Grand-Pierre@miamidade.gov

www.miamidade.gov/parks

"Connecting People and Parks for Life"

From: Turay, Radia (COE)

Sent: Monday, June 25, 2018 11:15 AM

To: Grand-Pierre, Rose (MDPR) <Rose.Grand-Pierre@miamidade.gov>

Subject: FW: Request for Opinion from Experts

From: Turay, Radia (COE)

Sent: Tuesday, June 19, 2018 2:39 PM

To: Ethics (COE) <ethics@miamidade.gov>

Subject: RE: Request for Opinion from Experts

Hello Mr. Grand-Pierre,

My name is Radia Turay. I am a staff attorney at the Miami-Dade Commission on Ethics. I was assigned to assist you with your request. Please answer the questions below so I can further assist you.

- 1) What department do you work for? Miami Dade County Parks, Recreation and Open Spaces Department
- 2) What is your position? Outreach Specialist
- 3) In your County position, do you have final authority over expenditures of more than \$20,000? No
- 4) Do you serve on any other board? The only board I serve is Bicycle and Pedestrian Advisory Committee Board (PBAC)
- 5) Please also confirm that you are not an elected official? I am not an elected official

Thanks,
Radia.

From: Ethics (COE)

Sent: Tuesday, June 19, 2018 1:24 PM

To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>

Subject: FW: Request for Opinion from Experts

Please handle. Thanks.

From: Grand-Pierre, Rose (MDPR)
Sent: Tuesday, June 19, 2018 1:05 PM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: Request for Opinion from Experts

Good afternoon Mr. Centorino,

My name is Rose M. Grand-Pierre, a County employee. I sit on the Bicycle Pedestrian Advisory Committee (BPAC) as a regular board member. I put one single house up for rent. Do I need to fill out a Source of Income Form on July 1st?

Thank you much for your time.

Best regards,

Rose M. Grand-Pierre, Outreach Specialist
Lean Certified
Communications and Marketing Division
Miami-Dade County Parks, Recreation and Open Spaces Department
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