

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, August 17, 2018 8:53 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: INQ 18-200 Gerald Sanchez, Assistant County Attorney, Miami-Dade County (Exploitation, Political Activities of State, County of Municipal Offices and Employees, Sec. 104.31, F.S.)

INQ 18-200 Sanchez

From: Centorino, Joseph (COE)
Sent: Thursday, August 16, 2018 5:55 PM
To: Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>
Cc: Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>
Subject: INQ 18-200 Gerald Sanchez, Assistant County Attorney, Miami-Dade County (Exploitation, Political Activities of State, County of Municipal Offices and Employees, Sec. 104.31, F.S.)

Gerald,

This is in response to your inquiry whether it would be permissible for an elected official, on a government facebook page, to inform individuals accessing that page that it is not to be used for political campaign purposes, and to provide a phone number and/or website link whereby someone accessing the page and desiring to make statements about, references to, or inquiries concerning the official's political campaign, would have an alternative contact point outside of the government facebook page. I understand that the purpose behind it is a concern that some persons may not be aware of the distinction between the public office and the campaign, which could result in inappropriate comments or inquiries being made that should be directed to campaign personnel rather than to governmental personnel.

As you are aware, Section 2-11.1(g) of the County Code of Ethics, *Exploitation Of Official Position Prohibited*, prohibits use of one's public position "to secure special privileges or exemptions for himself or herself or others except as may be specifically permitted by other ordinances and resolutions previously ordained adopted or hereafter to be ordained or adopted by the Board of County Commissioners." The State Ethics Code has a similar provision titled, *Misuse of Public Position*, Section 112.313(6). In addition, Section 104.31, Florida Statutes, *Political Activities of State, County, and Municipal Officers and Employees*, prohibits public officers or employees from using their official authority or influence "for the purpose of interfering with an election or a nomination of office or coercing or influencing another person's vote or affecting the result thereof."

While I understand that the purpose behind the proposed advisement is a benign one and only intended to avoid an improper communication, I am concerned that the provision on a government facebook page of a link or phone number for a political campaign contact, could be perceived as a violation of one of the above provisions. It is generally wise to maintain a strict separation between one's governmental office and one's political campaign. It is understandable that some contacts or conversations will inevitably occur concerning political matters where the candidate is also a public officeholder. Due diligence is required to make the best effort possible to avoid any blurring of the lines. A general advisement that a governmental facebook page is to be used only for governmental business, and not for personal or political campaign purposes, is a good step in this direction. I see no problem whatsoever in the posting of such a statement. However, I believe it would be best to avoid making any direct reference to the political campaign, or to

provide a website link or phone number that might actually facilitate communication between a government facebook user and a political campaign, in order to avoid any inadvertent violation of one of the aforementioned prohibitions.

I have consulted with Chris Anderson, General Counsel to the State of Florida Ethics Commission, and he is in accord with this opinion.

Sincerely,
Joe

Joseph M. Centorino

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