

## **Sanchez, Rodzandra (COE)**

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, August 28, 2018 10:30 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** INQ 18-210, Shirley Plantin, Community Advocacy Program Officer 2, Miami-Dade Community Relations Board (exploitation, gifts)

INQ 18-210 Plantin

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**From:** Turay, Radia (COE)  
**Sent:** Thursday, August 23, 2018 2:11 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 18-210, Shirley Plantin, Community Advocacy Program Officer 2, Miami-Dade Community Relations Board (exploitation, gifts)

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**From:** Turay, Radia (COE)  
**Sent:** Thursday, August 23, 2018 2:10 PM  
**To:** 'Shirley Plantin' <[nbqueen04@gmail.com](mailto:nbqueen04@gmail.com)>  
**Cc:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>; Diaz, Rene (Advocacy) <[Rene.Diaz3@miamidade.gov](mailto:Rene.Diaz3@miamidade.gov)>  
**Subject:** INQ 18-210, Shirley Plantin, Community Advocacy Program Officer 2, Miami-Dade Community Relations Board (exploitation, gifts)

Dear Dr. Plantin,

You have inquired about the limitations that apply to you, a County employee, under the Code of Ethics, in light of a conference and several workshops that would be hosted by your outside employer, U-Turn Youth Consulting, LLC.

## Background

- You are Community Advocacy Program Officer 2, for the Community Relations Board (CRB).
- Your current job responsibilities as Community Advocacy Program Officer 2 for the CRB include meeting with County leaders regarding community tensions; serving as program staff for Community Relations Board; representing CRB before several community boards, committees, and task forces; performing assessment of community incidents and conflicts; monitoring community tension; supervising staff in the development of various community programs; and developing educational and informational radio and television programs.
- You authored a book, that specifically addresses the realities that youth face in their daily lives, and what leads them to juvenile delinquency. The book was released under a for-profit company you own, U-turn Youth Consulting, LLC, a youth consulting firm.
- You were approved, subject to several limitations, to engage in outside employment as Executive Consultant for U-Turn Youth Consulting, LLC. See INQ 18-06.
- U-Turn Consulting, LLC will be hosting workshops and a conference which is scheduled for Friday, October 26, 2018 from 9am-2pm at FIU North.
- You have hired a consultant that will handle the preparations and run the conference.
- In light of U-turn Consulting, LLC's upcoming activities, you have requested an opinion from the COE specifically asking the following questions:

- 1) Am I able to sign invitation letters to our speakers as the Chief Executive Consultant of the Firm?
- 2) Even though I will be requesting days off for this conference, am I able to do opening remarks on behalf of the firm at the conference?
- 3) Am I able to take pictures with community leaders who attend?
- 4) Am I able do the media run for the conference before, during, and after?

### Analysis

Section 2-11.1(g), County Ethics Code, specifically prohibits County employees from using their official County position to secure privileges or exemptions for themselves or others.

Additionally, In RQO 12-10, the Ethics Commission in interpreting Section 2-11.1(s)- *Lobbying*, and Section 2-11.1(m)(1)- *Prohibition on appearances before County boards by certain individuals on behalf of third parties*, stated that “individuals serving in County positions may *not engage in any discussions whatsoever* with officials, directors or staff of County government on behalf of third parties.” See RQO 12-10. Various opinions from the Ethics Commission have also stated, that a county employee may not engage in any interaction with county staff on behalf of a third party, even if the interaction is for a perfunctory meeting involving ministerial/clerical issues, or information requests. See RQO 12-10; INQ 15-240.

Please note, that the Ethics Commission in RQO 12-10 further emphasized that the County Ethics Code represents a minimal standard of conduct for government employees. It cautioned that County employees should carefully consider the totality of the circumstances before taking any action that could possibly erode the public trust.

While you have indicated that you are approved to engage in outside employment with U-turn Consulting, LLC, we recommend that, in order to avoid the appearance of impropriety, in your role as Executive Consultant at U-turn Consulting, LLC, you recuse yourself from

participating in any activities or discussions that relate to U-turn Consulting, LLC’s contact/communications with County officials, County personnel, and County service providers/vendors/contractors.

- 1) You have specifically inquired regarding whether you can sign invitation letters to possible speakers as the Chief Executive Consultant of U-turn Consulting, LLC.

You have advised that U-Turn Consulting, LLC, will not pay any of the speakers for their time. However, none of the possible speakers at your conference are County employees or County officials; none serve on the CRB; and none work for County service providers, vendors, or contractors. There is one individual that could possibly serve as a speaker who works for Catalyst Miami, and has served as a speaker before for a CRB sponsored immigration event. However, she is a personal friend and your friendship predates your County employment.

Section 2-11.1(e)(3) of the Miami-Dade County Conflict of Interest and Code of Ethics prohibits County employees from soliciting nor demanding any gift. It is also unlawful for a County employee to “accept or agree to accept from another person or entity, any gift for or because of:

- (a) An official public action taken or be taken, or which could be taken;
- (b) A legal duty performed or to be performed, or which could be performed; or
- (c) A legal duty violated or to be violated, or which could be violated....”

Section 2-11.1(e)(1) of the Ethics Code defines a gift as the “transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise, or in any other form, without adequate and lawful consideration.”

Based on the facts that we know at this time, it does not appear that inviting an individual to speak at your for-profit company’s conference would conflict with the ethics code because you have indicated that you will do so exclusively in your capacity as executive consultant for U-turn

Consulting, LLC; you will not reference your County employment; and the individual's participation would not be in exchange of any official public action that you would take in your official position. However, we recommend that you avoid any direct solicitation of a County vendor/contractor/service provider that you interact with through your County employment, so as to avoid the perception of any *quid pro quo* or any possible positive or negative consequences regarding the vendors contract with the County should the individual agree or decline to participate in the event.

Additionally, even though you have stated that you will not invite any County employees or County officials to speak at the conference, please be advised as noted above that in RQO 12-10, the Ethics Commission stated that individuals serving in County positions may *not engage in any discussions whatsoever* with officials, directors or staff of County government on behalf of third parties., even if the interaction is for a perfunctory meeting involving ministerial/clerical issues, or information requests. See RQO 12-10; and INQ 15-240. Therefore, we recommend that you do not sign any invitation letter that is directed to a specific speaker, on U-turn Consulting, LLC's behalf, if the speaker happens to be a County employee or County official.

- 2) You have indicated that you will request days off from your County employment for this conference, and have inquired whether it is permissible for you to do opening remarks on behalf of the firm at the conference?

The Ethics Commission has stated in previous opinions that County employees may not engage in activities that relate in any way to their outside employment during regular business hours, including phone calls, or any other communication and/or use of County resources (including but not limited to phones, copiers, computers, fax machines, County vehicles, in connection with your outside employment, even after work). See § 2-11.1 (j) and (g), County Ethics Code; AO 5-5, AO 7-1; INQ 05-29, and INQ 15-240.

You have indicated that you intend to request days off from your County employment in order to participate in your outside employment. While it appears to be permissible for you to request County leave when

engaging in your personal business or outside employment during County time, the ultimate determination as to whether a request for leave should be denied or approved, is within the discretion of your department director. See INQ 11-25; INQ 11-27; and INQ 14-103.

In the event that your department director approves your request for leave, you may give opening remarks on behalf of U-turn Consulting, LLC, at its conference as it does not appear that it would include appearing before a County Board or agency to make a presentation on behalf of a third party (U-turn Consulting LLC). See Section 2-11.1(m)(1) of the County Ethics Code.

Please note, in the event that your department director denies your request for leave, you are prohibited from engaging in any activities, including making opening remarks at a conference, that relate in any way to your outside employment during your County work hours.

- 3) Can you take pictures with community leaders who attend your outside employer's workshop and conference?

There is nothing in the Ethics Code that would prevent you from taking pictures while at an event.

Please be aware however, that Section 2-11.1(g), County Ethics Code, specifically prohibits County employees from using their official County position to secure privileges or exemptions for themselves or others. It is therefore advisable that you do not reference your County employment when requesting photographs at your outside employer's conference.

- 4) Am I able do the media run for the conference before, during, and after?

Based on the information you have presented at this time, as you have been approved to engage in your outside employment activities, please note that the following limitations will apply:

- You shall not engage in activities that relate in any way to your outside employment during your County work hours, including appearing/participating on any type of radio or television show

during your County work hours; making phone calls, or any other communication and/or use of County resources (including but not limited to phones, copiers, computers, fax machines, County vehicles, in connection with your outside employment, even after work). See § 2-11.1 (j) and (g), County Ethics Code; AO 5-5, AO 7-1; INQ 05-29, and INQ 15-240.

- The COE discourages any *direct, targeted* solicitations of County vendors and lobbyists for any special cause, (i.e. you sending direct requests to the County vendors/service providers that you interact with in your County employment requesting their attendance at your outside employer's conference), even when such solicitations are not prohibited, in order to avoid an appearance of impropriety where a County employee may appear to be applying pressure to a County vendor or contractor to accede to a request in exchange for its continued business relationship with the County.
- We recommend that you avoid *directly* contacting any County staff informing, soliciting, or encouraging their attendance at your outside employer's workshop/conference, even if the interaction is perfunctory involving ministerial/clerical issues, or information requests. See RQO 12-10; INQ 15-240. We suggest having a non-County employee make such requests.
- You are prohibited from using any confidential information acquired as a result of your County employment to derive a personal benefit. See Miami-Dade Code § 2-11.1(h).

This opinion is based on the facts presented. If these facts 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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**From:** Turay, Radia (COE)  
**Sent:** Wednesday, August 22, 2018 2:49 PM  
**To:** 'Shirley Plantin' <[nbqueen04@gmail.com](mailto:nbqueen04@gmail.com)>  
**Subject:** RE: Assistance & Guidance

Hello Dr. Plantin,

I hope all is well. I called and left a message for you yesterday. Please call me when you get a chance: 305-350-0601.

Thanks,  
Radia.

**From:** Shirley Plantin [<mailto:nbqueen04@gmail.com>]  
**Sent:** Saturday, July 28, 2018 6:47 PM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Subject:** Assistance & Guidance

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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Hi Radia,

Hope this email finds you well. I am reaching out for assistance & guidance to ensure I stay out of any ethics issues.

As you know my approved outside employment (my consulting firm) will begin hosting workshops and our annual conference. Our first conference is scheduled for Friday, October 26, 2018 from 9am-2pm at FIU North. As my Executive Steering Committee and I begin to plan the conference in detail, I just wanted to ensure that I do not violate any ethic rules as we move forward.

That said, are there any rules that I should be mindful of outside of not personally soliciting participants from the County, or for that matter, not even inviting anyone from the County to serve as speakers (free of charge) for the conference. I want to avoid any possible headaches.

Additionally, I would also appreciate some guidance on the questions below:

1. Am I able to sign invitation letters to our speakers as the Chief Executive Consultant of the Firm?
2. Even though I will be requesting days off for this conference, am I able to do opening remarks on behalf of the firm at the conference?
3. Am I able to take pictures with community leaders who attend?
4. Am I able to do the media run for the conference before, during, and after?

In short, it may be best for you to advise what my limitations are for this event and future workshops. I really don't mean to be difficult or bothersome, I just want to make sure we have no problems. Please assist.

I Look forward to hearing from you soon.

Many Thanks.