

## Sanchez, Rodzandra (COE)

---

**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Monday, November 05, 2018 10:42 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** INQ 18-240; Yunior Santana, Candidate, (Ethical Campaign Practices)  
**Attachments:** INQ 18-240.docx

INQ 18-240 Santana

---

**From:** Perez, Martha D. (COE)  
**Sent:** Monday, November 05, 2018 10:39 AM  
**To:** yunior santana <yuniorsan75@gmail.com>  
**Cc:** Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>  
**Subject:** Yunior Santana, Candidate, ECPO; INQ 18-240

Mr. Santana, please see attached opinion. Should you have any questions, please contact us.  
Sincerely,

**Martha D. Perez**  
Staff Attorney  
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST  
19 West Flagler St. Suite 820  
Miami, FL 33130  
(305)350-0656  
[PEREZMD@miamidade.gov](mailto:PEREZMD@miamidade.gov)

This email and any attachments are for the exclusive and confidential use of the intended recipient(s). If you are not an intended recipient, please do not read, distribute or take action in reliance upon this message. If you have received this in error, please notify me immediately by return email and promptly delete this message and its attachments from your computer. Miami-Dade County is a public entity subject to Florida's public record laws. Any communication with this office, including e-mail messages, could be considered a public record subject to disclosure.

**From:** yunior santana <yuniorsan75@gmail.com>  
**Sent:** Friday, November 02, 2018 11:52 AM  
**To:** Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>  
**Cc:** Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>  
**Subject:** Re: Possible ethics issue

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**

---

Thank you for your assistance.

On Fri, Nov 2, 2018, 11:22 AM Arrojo, Jose (COE) <[Jose.Arrojo@miamidade.gov](mailto:Jose.Arrojo@miamidade.gov)> wrote:

Dear Mr. Santana:

Thank you for contacting the Miami-Dade Commission on Ethics and requesting our guidance regarding your candidacy and social media app. I have asked one of the Commission's Attorneys, Martha Perez, to please review your inquiry and respond accordingly.

Best regards,

**Jose J. Arrojo**

Executive Director

Miami-Dade Commission on Ethics and Public Trust

19 W. Flagler Street, Suite 820

Miami, FL 33130

[Jose.Arrojo@miamidade.gov](mailto:Jose.Arrojo@miamidade.gov)

Tel: (305) 579-2594

Fax: (305) 579-0273

<http://ethics.miamidade.gov/>



**From:** yunior santana <[yuniorсан75@gmail.com](mailto:yuniorсан75@gmail.com)>

**Sent:** Thursday, November 1, 2018 4:04 PM

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

**Subject:** Possible ethics issue

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**

---

Good afternoon.

I'm currently running for town of cutler bay council seat.

But I'm also a moderator in the social app name "nextdoor"

A supporter of my opponent claimed that by being a moderator of an app used by residents of cutler bay, I'm creating an ethnic conflict, since I should not run for office and be a moderator of a social media site at the same time.

I would like to hear your opinion on the matter.

Thank you.

--

**Yunior Santana**

[yunioran75@gmail.com](mailto:yunioran75@gmail.com)

Direct Realty Solutions

786-246-1987



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

19 West Flagler Street, Suite 820 Miami, Florida 33130

Phone: (305) 579-2594 Facsimile: (305) 579-0273

Website: [ethics.miamidade.gov](http://ethics.miamidade.gov)

---

---

### MEMORANDUM

---

---

**TO:** Yunior Santana  
Candidate for Council Seat, Town of Cutler Bay

**FROM:** Martha D. Perez  
Staff Attorney

**SUBJECT:** INQ 18- 240 (Ethical Campaign Practices Ordinance)

**DATE:** November 5, 2018

**CC:** All COE Legal Staff

---

**Facts:** You advise that you are currently running for a council seat in the Town of Cutler Bay. You are a moderator in the social app “Nextdoor”. An opponent’s supporter is alleging that your role as moderator of the app creates a conflict of interest. “Nextdoor” is a free private social network for one’s neighborhood community.

**Discussion:** In general, the Conflict of Interest and Code of Ethics ordinance does not extend jurisdiction to candidates running for office. However, Section 2-11.1.1 of the Miami-Dade County Code, *Ethical campaign practices ordinance* (ECPO), covers candidates and their respective staffs for any municipal elective office within Miami-Dade County. As a candidate for a municipal seat, you are required to comply with the mandatory portion of the ECPO.<sup>1</sup> You also agreed to be bound by the voluntary portion of the ordinance found at Section 2-11.1.1(D). If you abide by the restrictions placed in the ordinance, your position as moderator of “Nextdoor” does not create a *per se* conflict of interest.

**Opinion:** Consequently, your role as a moderator of the social app “Nextdoor”, by itself, is not prohibited by the ECPO; however, you are reminded that you signed the Voluntary Statement of Fair Campaign Practices, therefore, you are bound by the pledge you made therein.

---

<sup>1</sup> The mandatory provision found at Section 2-11.1.1(C) of the Miami-Dade County Code, prohibits making, with malice, untrue and harmful statements about other candidates, their families, or staff; willfully damaging or knowingly depriving an opponent of his/her campaign materials; or, knowingly filing a groundless or frivolous complaint against another candidate with the Ethics Commission.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics. Questions regarding election laws (Chapters 104 and 106, Florida Statutes) should be addressed with the Florida Department of Elections.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.