

Sanchez, Rodzandra (COE)

From: Arrojo, Jose (COE)
Sent: Monday, December 03, 2018 9:10 AM
To: Fernandez, Alejandro J. (DIST6)
Cc: Murawski, Michael P. (COE); Perez, Martha D. (COE); Diaz-Greco, Gilma M. (COE); Turay, Radia (COE); Ross, Rachelle (COE); Sanchez, Rodzandra (COE)
Subject: INQ 18-255 Voting Conflict - Driver's Education Safety Trust Fund Disbursement, 2-11.1(d)
Attachments: INQ 18-255 Voting Conflict - Driver's Education Safety Trust Fund Disbursement, 2-11.1(d).docx

Dear Mr. Fernandez:

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust regarding a voting conflict opinion for Commissioner Rebeca Sosa.

Please thank Commissioner Sosa for continuing to seek our guidance on these matters.

Best regards,

Jose J. Arrojo

Executive Director
Miami-Dade Commission on Ethics and Public Trust
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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

MEMORANDUM

TO: Honorable Rebeca Sosa
District 6 Commissioner

FROM: Jose Arrojo, Executive Director
Commission on Ethics

SUBJECT: INQ 18-255, Voting Conflict – Authorizing Payment from the Driver’s Education Safety Trust Fund to Miami Dade County School Board for Providing Driver’s Education, Section 2-11.1(d)

DATE: December 3, 2018

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transaction.

Facts: You have advised Item No. 8(G)(2) is scheduled to be heard before the Board of County Commissioners (BCC) on Tuesday, December 4, 2018. You inquire whether you would have a voting conflict of interest under Section 2-11.1(d) of the Miami-Dade Ethics Code, in voting or otherwise participating in the discussion of the item.

The item consists of a resolution authorizing the Mayor to disburse funds from the Driver’s Education Safety Trust Fund to the Miami Dade County School Board. The Trust Funds receives monies generated from an additional surcharge on civil traffic penalties. The disbursement will be used to fund driver’s education programs for high school students in Miami Dade County Public Schools.

Discussion: You are employed as a Curriculum/Program Facilitator at Lindsey Hopkins Technical Center (LHTC), an adult educational facility, which is part of Miami-Dade County Public Schools (M-DCPS).

LHTC provides training to adult students in various career technical programs. The school also offers adult general education, which allows students to obtain their GED diploma. The post-secondary career technical education programs are offered in the areas of

construction & apprenticeship, transportation, commercial foods & culinary arts, childcare, personal services and health occupations.

In the past, the Commission on Ethics has opined that your employment with MDCPS does not create an automatic voting or participation conflict for you on BCC items affecting that government agency. The issue of a voting conflict on such matters is more narrowly described as whether you might, directly or indirectly, profit or be enhanced by the item in question. Our review of Item No. No. 8(G)(2) did not present any likelihood that you would, personally or professionally, be affected in any way by the item.

More specifically, your position with the public schools at an adult educational facility would not be affected by the adoption of this resolution which seeks to allow for the disbursement of funds from the Driver's Education Safety Trust Fund to support driver's education programs for high school students in Miami Dade County Public Schools.

Opinion: Under the details provided to me concerning this item allowing the Mayor to disburse funds from the Driver's Education Safety Trust Fund to the Miami Dade County School Board to fund driver's education programs for high school students in Miami Dade County Public Schools, I do not believe that you will profit or be enhanced, and, therefore, I do not believe that you are prohibited under Section 2-11.1(d) from participating or voting on this item.

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.

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.