

Sanchez, Rodzandra (COE)

From: Arrojo, Jose (COE)
Sent: Friday, December 21, 2018 4:39 PM
To: Brown, Misty X. (DIST3)
Cc: Murawski, Michael P. (COE); Perez, Martha D. (COE); Diaz-Greco, Gilma M. (COE); Turay, Radia (COE); Sanchez, Rodzandra (COE); Ross, Rachele (COE)
Subject: INQ 18-264 - Brown, Sec. (j)
Attachments: INQ 18-264 - Brown, Sec. (j).pdf

Dear Ms. Brown:

Thank you again for contacting the Miami-Dade Commission on Ethics and Public Trust and seeking our guidance regarding outside employment.

Attached is the requested opinion.

Please do not hesitate to contact me should you have any questions or require any additional assistance.

Best regards and happy holidays.

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
Tel: (305) 579-2594
Fax: (305) 579-0273
<http://ethics.miamidade.gov/>





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: Misty X. Brown
Chief of Staff
Honorable Audrey Edmundson, Vice-Chair, District 3

FROM: Jose Arrojo, Executive Director
Commission on Ethics

SUBJECT: INQ 18-264, Outside Employment Conflict of Interest, Sec. 2-11.1 (j)

DATE: December 21, 2018

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding a possible outside employment conflict of interest.

Issue: Does Misty X. Brown's service as a trustee for the Mount Sinai Missionary Baptist Church constitute prohibited outside employment inasmuch the Mount Sinai Community Development Corporation may be the recipient of a *gratis* infill property conveyance by Miami-Dade County?

Facts: You are employed as the Chief of Staff to the Honorable Audrey Edmundson, Vice Chair, District 3, Board of County Commissioners. Your duties include assisting the Vice Chair with constituent matters and outreach; policy and legislation development; representing the Vice Chair at events, meetings, presentations and contacts with other agencies or persons; and supervising the Vice Chair's other staff.

You also serve in a leadership role as a Trustee of the Mount Sinai Missionary Baptist Church, Miami (MSMBC). MSMBC is a Florida not-for-profit corporation and has been an incorporated entity in Florida for over half a century. For purposes of this memorandum, it is assumed that your duties as a Trustee are consistent with those traditionally exercised by church trustees and that you are a church congregant that volunteers to oversee physical

aspects of the church such as property, buildings, and finances. Your service as a Trustee is voluntary and non-compensated.

You are not involved with the Mount Sinai Community Development Corporation (MSCDC), a separate Florida not-for-profit corporation. MSMBC and MSCDC share interlocking directors and your church Pastor and other church leaders also serve in leadership roles with the community development corporation.

Discussion: There is no prohibition on a county employee serving as a volunteer trustee for a not-for-profit corporation. Nevertheless, there are several sections of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (Ethics Code) that are implicated and should be considered.

- Sec. 2-11.1(g) prohibits county employees from exploiting their official positions to secure special privileges or exemptions for themselves or others; and
- Sec. 2-11.1(j) prohibits county employees from engaging in certain activities that would impair their independence of judgment in the performance of their public duties to the County; and
- Sec. 2-11.1(h) prohibits county employees from disclosing confidential information obtained through their official positions with the County or use of such information, directly or indirectly, for personal gain or benefit; and
- Sec. 2-11.1(m)(2) prohibits county employees from appearing before any county board or agency or meeting with staff or elected officials to make a presentation or to seek a benefit (funding/grant) on behalf of the nonprofit organization.

Thus, while there is no prohibition on your dual service, it is recommended that to avoid any appearance of impropriety, you should refrain from any involvement regarding your county position and the MSCDC. You should not appear before any County board or agency to seek any benefit on behalf of MSCDC and you should not attempt to influence an official decision by the County to benefit the MSCDC in any way.

MSCDC may accept grants or real property conveyances from the County or enter into contracts with the County if you have not attempted to influence this process. Please be advised that the County Ethics Commission has interpreted this prohibition very expansively to include any communications, in any form, intended to influence an individual within the County to take an official action. (*See* INQ 16-22, INQ 12-13, INQ 11-01, INQ 10-201, INQ 18-131)

Opinion: There is no prohibition on your dual service as Chief of Staff to the Vice Chair of the Board of County Commissioners and your volunteer service as a Trustee of the Mount Sinai Missionary Baptist Church of Miami, an incorporated not-for-profit entity that

shares interlocking directors with the Mount Sinai Community Development Corporation, also an incorporated not-for-profit entity.

There is no prohibition on the County's *gratis* infill property conveyance to the MSCDC if you have not been engaged in attempting to influence this process in your official position. It is recommended that you refrain from any involvement regarding your county position and the MSCDC.

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.

If you have any further questions regarding this matter, please do not contact me.

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.