

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, March 26, 2018 11:59 AM
To: Sanchez, Rodzandra (COE)
Subject: Xavier Alban, Assistant City Attorney, City of Miami (Financial Disclosure) INQ 18-71

INQ 18-71 Alban

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, March 26, 2018 11:58 AM
To: 'Alban, Xavier E.' <XEAlban@miamigov.com>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Xavier Alban, Assistant City Attorney, City of Miami (Financial Disclosure) INQ 18-71

Dear Mr. Alban:

You have inquired whether the County forms listed below filed by municipal officers, employees, and advisory boards pursuant to County Ethics Code Sections 2-11.1(i)(2) & (4), who are not required to file under State law, may be submitted to the City of Miami Clerk via email or fax. The forms are:

- Miami-Dade County Source of Income Statement
- Miami-Dade County Final Source of Income Statement
- Miami-Dade County Quarterly Gift Disclosure
- Outside Employment Statement
- Federal Income Tax Return

The Commission on Ethics determined in RQO 13-02 that **signed** (original signature) County financial disclosure forms may be delivered to the designated records custodian, in this case the City of Miami Clerk, via an electronic delivery method such as fax, email, or other delivery devices compatible with the record custodian's systems, provided that existing security standards are followed. Consequently, the City Clerk may accept Source of Income, the Final Source of Income, Outside Employment Statement and the Quarterly Gift Disclosure documents, with original signatures, via electronic delivery provided that existing security standards are followed.

With respect to submitting a Federal Income Tax Return to comply with State and County financial disclosure requirements, State law and the County Ethics Code permit the submittal of a tax return in lieu of submitting financial disclosure **forms** (State Form 1 or County Source of Income Form). However, we note that a **signed copy** of the Federal Income Tax Return must be submitted, and that because this document contains confidential information, steps may need to be taken to redact the confidential information before making the Return available to the public.

If you have any questions or need further information, please do not hesitate to contact me.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
gdiazgr@miamidade.gov
www.facebook.com/MiamiDadeEthics

From: Centorino, Joseph (COE)
Sent: Thursday, March 22, 2018 9:32 AM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: FW: COE Inquiry: Accept Financial Disclosure Forms in an Electronic Format

Please respond to Mr. Alban.

From: Alban, Xavier E. [<mailto:XEAlban@miamigov.com>]
Sent: Wednesday, March 21, 2018 6:50 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Ethics (COE) <ethics@miamidade.gov>
Cc: Wysong, George <GWysong@miami-police.org>; Gibbs, Domini (City Attorney) <DGibbs@miamigov.com>
Subject: COE Inquiry: Accept Financial Disclosure Forms in an Electronic Format

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 **Enterprise Security Office**

Good evening Director Centorino:

Pursuant to Section 2-11.1(i)(2) & (4), of the Miami-Dade County Code, municipal officers and employees, including members of advisory boards serving the City of Miami ("City"), who are not required to file under State law, are required to file, on an annual basis, certain financial disclosure forms. The City Clerk's Office is responsible for accepting the following forms filed by the aforementioned individuals:

- Miami-Dade County Source of Income Statement
- Miami-Dade County Final Source of Income Statement
- Federal Income Tax Return, Statement of Financial Interests
- Miami-Dade County Quarterly Gift Disclosure
- Outside Employment Statement.

Currently, the aforementioned individuals file originals of the required financial disclosure forms in person or by mail are the only accepted methods of filing the aforementioned financial disclosures. Upon receipt of the original forms, the City Clerk's office utilizes an electronic data management system (Laserfiche) to store and archive the forms in an electronic format in compliance with Florida Administrative Code 1B-26.003 (Electronic Recordkeeping).

In RQO 13-02, the Miami-Dade Commission on Ethics opined, under similar facts as stated above, that the Elections Department may accept financial disclosure forms electronically, provided that existing security standards are followed, which would allow the County to control costs without sacrificing confidence in County procedures.

As such, may the City Clerk's Office accept the above-referenced financial disclosure forms electronically – by fax, email, or other devices compatible with the City Clerk's system – provided that existing security standards are followed?

If you have any questions or need further information, please do not hesitate to reach out to me. Thank you.

Xavier E. Albán

Assistant City Attorney



City of Miami Office of the City Attorney

Telephone: 305-416-1830

Facsimile: 305-400-5033

xealban@miamigov.com

PublicRecords@miamigov.com

Assistant: Jessica Del Oro (305) 416-1894

DISCLAIMER: This e-mail is intended only for the individual(s) or entity(s) named within the message. This e-mail might contain legally privileged and confidential information. If you properly received this e-mail as a client or retained expert, please hold it in confidence to protect the attorney-client or work product privileges. Should the intended recipient forward or disclose this message to another person or party, that action could constitute a waiver of the attorney-client privilege. If the reader of this message is ***not*** the intended recipient, or the agent responsible to deliver it to the intended recipient, you are hereby notified that any review, dissemination, distribution or copying of this communication is prohibited by the sender and to do so might constitute a violation of the Electronic Communications Privacy Act, 18 U.S.C. section 2510-2521. If this communication was received in error we apologize for the intrusion. Please notify us by reply e-mail and delete the original message. Nothing in this e-mail message shall, in and of itself, create an attorney-client relationship with the sender.

Under Florida Law, e-mail addresses and the contents of the e-mail are public records. If you do not want your e-mail address, or the contents of the e-mail, released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Please consider the environment before printing this e-mail

