

Sanchez, Rodzandra (COE)

From: Turay, Radia (COE)
Sent: Monday, March 11, 2019 11:51 AM
To: Sanchez, Rodzandra (COE); Diaz-Greco, Gilma M. (COE); Sibilia, Rhonda (COE); Anderson, Machell (COE)
Subject: FW: INQ 19-23, Section 2-11.1(e), County Ethics Code-Gifts
Attachments: INQ 19-23.docx

From: Perez, Martha D. (COE)
Sent: Monday, February 25, 2019 3:25 PM
To: mlarrazabal@nbvillage.com
Cc: Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Anderson, Machell (COE) <Machell.Anderson@miamidade.gov>
Subject: INQ 19-23, Section 2-11.1(e), County Ethics Code-Gifts

Dear Marisa,

Thank you for contacting the MDC Ethics Commission for guidance. Attached please find the information you requested. Any questions, please contact us.

Cordially,

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

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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: Marisa Larrazabal,
NBV

FROM: Martha D. Perez,
Staff Attorney

SUBJECT: INQ 19-23, Gifts (Section 2-11.1(e), County Ethics Code; Section 38.05
NBV Code)

DATE: February 25, 2019

CC: COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the application of Section 2-11.1(e) of the County Ethics Code to individuals in North Bay Village (NBV).

Section 2-11.1(e) of the County Ethics Code and its municipal counterpart, Section 38.05 of the North Bay Village Code, govern gifts and disclosures. The ordinance provides that all *elected officials, autonomous/quasi-judicial/advisory personnel, departmental personnel and employees* of the Village must disclose any gift in excess of \$100.00, on a State Gift Disclosure Form 9 and file it with the Village Clerk and simultaneously with the State Ethics Commission, if required to do so under Section 112.3148, Fla. Stat.

Consequently, whereas State law requires “reporting individuals” (those persons required by State law to file State Form 1 or 6) and “procurement employees” (employees who participate in the procurement of contractual services or commodities where the cost exceeds or is expected to exceed \$10,000 in any fiscal year) to file the Gift Disclosure State Form 9 with the State Ethics Commission, the County (and NBV) Ethics Codes require all commissioners, board members, department personnel and employees of the Village to disclose all gifts exceeding \$100.00, as defined by the ordinance, with the Village Clerk.

You indicated that the Village’s commissioners received notification of the ethics course requirement from Mr. Thompson. Note, they will be receiving additional information on this topic at the upcoming training. Regardless, feel free to contact this office on any ethics-related matters.

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.