

Sanchez, Rodzandra (COE)

From: Turay, Radia (COE)
Sent: Thursday, April 04, 2019 10:05 AM
To: Anderson, Machell (COE); Sanchez, Rodzandra (COE); Diaz-Greco, Gilma M. (COE); Perez, Martha D. (COE)
Subject: FW: INQ 19-41, Vivian Walters, Assistant to the Deputy Mayor, Office of the Mayor [Conflicting Service, Section 2-11.1(j)]
Attachments: INQ Walters (V) 2019.pdf

From: Turay, Radia (COE)
Sent: Thursday, April 4, 2019 10:04 AM
To: Walters, Vivian (Office of the Mayor) <Vivian.Walters@miamidade.gov>
Cc: Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>
Subject: INQ 19-41, Vivian Walters, Assistant to the Deputy Mayor, Office of the Mayor [Conflicting Service, Section 2-11.1(j)]

Dear Mr. Walters:

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance. Attached is INQ 19-41 addressing your question. Please do not hesitate to contact us if you have any questions or if we may be of further assistance.

Sincerely,
Radia.

RADIA TURAY

Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 350-0601
Fax: (305) 579-0273
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: Vivian O. Walters, Jr.
Assistant to the Deputy Mayor
Office of the Mayor

FROM: Radia Turay, Staff Attorney
Commission on Ethics

SUBJECT: INQ 19-41, [Conflicting service § 2-11.1 (j), County Ethics Code]

DATE: April 3, 2019

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 are employed as an Assistant to Deputy Mayor Ed Marquez, with the Office of the Mayor. As part of your responsibilities, you assist the Deputy Mayor and senior staff in the coordination and provision of a variety of County-wide services to include, but not limited to, policy formulation, law enforcement, transportation, culture, and recreation, infrastructure, human services, and internal operations. You have been asked to serve on the Board of Directors of Urgent Inc., a not-for-profit, a 501(c)(3) corporation.

Urgent Inc.'s mission is to empower young minds to help transform their community. The organization receives County grants through the Miami-Dade Department of Cultural Affairs and the Office of Management and Budget. The Office of Management and Budget reports to the Deputy Mayor that you work for. You have however represented that you do not play any part in the administration, and/or oversight of the grant that Urgent Inc. receives; you do not sit on any evaluation committee regarding the grant; you do not make any recommendations to the Deputy Mayor regarding Urgent Inc. grant; and you do not supervise any of the individuals that administer the grant.

Your service would be as an uncompensated, volunteer.

Issue: You have inquired whether there would be a conflict of interest between your County employment as an Assistant to the Deputy Mayor and your service as a volunteer on the Board of Directors of Urgent, Inc.

Discussion: In general, there are no ethics conflicts regarding your County employment and your board service at Urgent Inc. *See* Section 2-11.1(j), County Ethics Code; INQ 16-48, 16-22, INQ 14-170, INQ 12-13, INQ 11-01, and INQ 10-20. However, several sections of the County Ethics Code should be addressed:

- Sec. 2-11.1(m)(2) prohibits you 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;
- Sec. 2-11.1(h) prohibits you from disclosing confidential information acquired by reason of your official County position;
- Sec. 2-11.1(g) prohibits you from exploiting your County position to secure special privileges or exemptions for yourself or Urgent Inc.

We recommend that, in order to avoid the appearance of impropriety, you refrain from any involvement regarding your office and Urgent Inc. Although you may not appear before any County board or agency to seek any benefit on behalf of Urgent Inc., *it is also advisable*, in your role as a board member of Urgent Inc., to recuse yourself from voting or participating in discussions and/or votes relating to County applications for funding, County contracts or any other Urgent Inc.'s initiatives involving the County.

Urgent Inc. may accept grants from the County or enter into contracts with the County *as long as* you have not attempted to influence an official decision by the County to benefit the nonprofit organization in any way. 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 16-48, 16-22, INQ 14-170, INQ 12-13, INQ 11-01, and INQ 10-201.

Opinion: Consequently, subject to the limitations discussed above, there are no ethics conflicts regarding your County employment and your board service at Urgent Inc.

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.