



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Honorable Rebeca Sosa
Vice Chairwoman, District 6 Commissioner

FROM: Jose Arrojo, Executive Director
Commission on Ethics

SUBJECT: INQ 20-54, Voting Conflict – Inmate Education Services Agreement
between MDCR and MDCPS, Section 2-11.1(d)

DATE: June 7, 2020

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 3B (No. 201012) on the agenda for the June 9, 2020 meeting of the Public Safety and Rehabilitation Committee seeks authorization for an agreement with Miami Dade County Public Schools' Lindsey Hopkins Technical College (MDCPS). In summary, the agreement is for MDCPS to provide educational programs for inmates housed in County corrections facilities (MDCR). Through these programs, inmates throughout MDCR facilities receive specific training in career-technical education courses, adult basic education, or general educational development, in accordance with the criteria set by the State of Florida and provided by the MDCPS.

Similar Agreements providing for instructional services for inmates have been in existence since 1987. The Agreements have been renewed annually since the 1987-1988 school year. The current proposed Agreement includes substantially the same provisions as the previous agreement covering the 2019-2020 school year, which was authorized by R-560-19.

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.

Discussion:

You are employed as a Curriculum/Program Facilitator at Lindsey Hopkins Technical Center, an adult educational facility located in Allapattah, which is part of Miami-Dade County Public Schools (MDCPS).

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 Agenda Item 3B, No. 201012, 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 ratify an agreement between MDCPS and MDCR to provide training to inmates that has been in existence, in similar format, for over three decades. While MDCPS may benefit, any possible or potential benefit to you personally or professionally, is at best, very remote and it cannot be said that you would profit or be enhanced personally in any way in the event this resolution is passed.

Opinion:

Under the details provided to me concerning this proposal to approve an agreement between MDCPS and MDCR to provide inmate training services, 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.