

## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST


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### MEMORANDUM

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**TO:** Alejandro J. Fernandez  
Senior Communications and Legislative Aide  
Commissioner Rebeca Sosa, District 6

**FROM:** Jose J. Arrojo   
Executive Director

**SUBJECT:** INQ 2021-122, County Employee Political Candidate, General Issues  
§ 2-11.1(g), County Ethics Code

**DATE:** September 7, 2021

**CC:** Betty Aguirre, Chief of Staff  
Commissioner Rebeca Sosa, District 6

All COE Legal Staff

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Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding potential conflicts of interest relating to your County employment and candidacy for municipal office.

You would like to know whether you are permitted to run for a municipal elected office while employed by the County. You would also like to understand your political rights and limitations imposed by the County Ethics Code

Facts:

You are employed at the Office of Miami-Dade Commissioner Rebeca Sosa as a Senior Communications/Legislative Aide. Your job duties include assisting the Commissioner and staff with legislation and policy and generating communications work product. Miami Beach is not included within County District 6.

You plan to seek election as a Miami Beach Commissioner. The qualifying deadline for that position is September 10, 2021. Once qualified, you plan to actively engage in fundraising and also seek endorsements of your candidacy.

Assuming no conflict with the County Ethics Code or any other ordinances or administrative policies, Commissioner Sosa has agreed to your taking leave of absence from your current County position from the qualifying date and until the election on November 2, 2021. If you are not elected, then it is your intent to return to regular County employee status in your current position.

Issue:

Whether a conflict of interest exists regarding your county employment and candidacy for municipal office.

Discussion:

The Ethics Commission may consider and opine on the political activities of a County employee. The County Ethics Codes does not prohibit a County employee from engaging in political activities outside the workplace or from running for elected municipal office. Moreover, an employee who qualifies as a candidate for election, may remain in his or her County employment while running for office. The employee is not required to take a leave of absence or forfeit his or her position to run for municipal office. INQ 20-91; INQ 20-95. <sup>1</sup>

To be clear, however, while the employee is on leave of absence from the County position, he or she remains an employee of the County and is covered by the provisions of the Miami-Dade County Code of Ethics. INQ 16-126.

Consequently, the employee's conduct should conform to the limitations contained in the attached Ethics Commission memorandum: Limitations on Political Activities of County and Municipal Officers and Employees (Amended July 2021).

Section 2-11.1(g) of the County Ethics Code relating to exploitation of official position, prohibits County employees from using their public positions to secure special privileges or exemptions for themselves or others. As such, any political campaigning must occur outside of County working

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<sup>1</sup> See Section 1.05 (c), Miami-Dade County Charter (County employee who qualifies as a candidate for election to certain *County* offices shall immediately take a leave of absence.)

*But see* County Administrative Order 7-2 (Any employee of Miami-Dade County who qualifies as a candidate for election to any federal, state or *municipal* office shall immediately take a leave of absence from his or her County position until the date of the election and shall, if elected, immediately forfeit his or her County position.)

hours. Additionally, the employee may not use his or her County position or County resources in any way in support of the campaign INQ 15-26; INQ 16-21; and INQ 18-200.<sup>2</sup>

As relates to seeking campaign contributions or political endorsements, employees are prohibited from directly or indirectly using their county or municipal positions to intimidate or coerce others into supporting either their own candidacy; a chosen candidate; or to make political contributions. See generally RQO 05-06; INQ 18-232; and INQ 17-49.

Again, I refer you to the Memorandum and encourage you to contact this office for guidance on more specified fact scenarios.

Finally, as a political candidate in Miami-Dade County, you and your campaign staff are also bound by the Ethical Campaign Practices Ordinance. See Section 2-11.1.1, Miami-Dade County Code.

Conclusion:

Applying the plain language of the Ethics Code and the rationale underlying the Ethics Commission's conclusions in the opinions cited herein, you are allowed to run for municipal elected office while employed with the County. While you have advised that you will take leave of absence during your campaign from qualifying to election date, the Ethics Code does not require that you do so.

You need only exercise caution regarding the limitations placed on County employees engaging in political campaign activities as referenced.

This opinion only construes the Miami-Dade Ethics Code, and it is based on the facts as you have presented them to the Ethics Commission. Any comment regarding other state or local laws is included for informational purposes only.

We hope that this opinion is of assistance, and we remain available to discuss any matters addressed in this letter, if necessary, at your convenience.

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<sup>2</sup> The State Ethics Code has a similar provision titled, *Misuse of Public Position*, Section 112.313(6). In addition, Section 104.31, Florida Statutes, Political Activities of State, County, and Municipal Officers and Employees, prohibits public officers or employees from using their official authority or influence "for the purpose of interfering with an election or a nomination of office or coercing or influencing another person's vote or affecting the result thereof."

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.