



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Daniela Corvalan, Nurse
Jackson Health System

FROM: Loressa Felix, Staff Attorney
Commission on Ethics

SUBJECT: INQ 2022-150, Section 2-11.1(c), County Conflict of Interest and Code of Ethics Ordinance, Limitations on Contracting with the County

DATE: November 2, 2022

CC: COE Legal Staff; John Vanegas, Accountant 3, Public Housing and Community Development (“PHCD”); Simona Marlow, Senior HR Manager, PHCD

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding your ability to contract with the County’s Public Housing and Community Development Department (“PHCD”) as a vendor/owner recipient through the Condominium Special Assessments Program administered by PHCD.

Background:

You are employed by Jackson Health System (“JHS”) as a Nurse.¹ Your job duties entail providing health care for your clients and patients. You would like to contract with PHCD as a vendor or condominium owner recipient of the Condominium Special Assessments Program. Your JHS job duties do not include any oversight or administration of this program.

¹ Members of the JHS/PHT are covered by the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (Ethics Code) and considered County employees for purposes of the County Ethics Code. See Section 25A-9 of the Miami-Dade County Code and Code No.311 of the Policy and Procedure Manual of Jackson Health System. Additionally, pursuant to the Jackson Health System Employee Code of Conduct, “Jackson employees are required to adhere to the conflict of interest regulations as outlined in Florida Statute Chapter 112.313, Section 2- 11.1 of the Miami-Dade County Code (Conflict of Interest and Code of Ethics Ordinance), and JHS Policy and Procedure Manual Code No. 158 Conflict of Interest.” (internal quotation omitted).

Issue:

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”) would prevent you from contracting with PHCD to participate in the Condominium Special Assessments Program as a vendor/owner recipient.

Analysis and Opinion:

Your inquiry involves several sections of the County Ethics Code which are analyzed below:

A. Contracting with the County

The County Ethics Code at Sections 2-11.1 (c)(2) and (d) allow you to enter into a contract, individually or through a firm, with Miami-Dade County, as long as the contract does not interfere with the full and faithful discharge of your duties to the County.

This means that you shall not participate in determining the contract requirements or in awarding the contract and that none of your responsibilities and job descriptions shall require you to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination, or forbearance. In your case, this means that you may contract as a Condominium Special Assessments Program vendor/owner recipient because JHS, the department that employs you, does not oversee or administer the program and none of your County job duties involve administration or oversight of the program. *See* County Ethics Code §§ 2-11.1 (c).

B. Lobbying

Furthermore, you may not lobby the County to participate in the Condominium Special Assessments Program. This means that you may not contact anyone within the County in an attempt to influence a decision about any contract that you are seeking with the County. *See* County Ethics Code §§ 2-11.1 (m)(1).

C. Exploitation of Official Position

Finally, the County Ethics Code prohibits County employees from exploitation of their official position. In this instance, it means that you may not use your County position to secure special privileges or exemptions with respect to any County contract to which you are applying. *See* County Ethics Code § 2-11.1(g).

After reviewing the facts presented to us, we conclude that **you may contract with PHCD** to participate in the Condominium Special Assessments Program as a vendor/owner recipient. Therefore, provided that your current or future job responsibilities with JHS do not require your involvement in any aspect of the Condominium Special Assessments Program, you may contract with PHCD to participate in the program.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance

only. Based on directives from the department that employs you, or under state law, other conflicts may apply. If you have additional questions regarding possible conflicts based on your County department directives, contact your respective department supervisors or the Mayor's Office. For an opinion regarding Florida ethics law, please contact the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317, phone number (850) 488-7864, or <http://www.ethics.state.fl.us/>.

Please submit this opinion to the Public Housing and Community Development Department for inclusion in your file. The Commission on Ethics does not submit this memorandum on your behalf.

We appreciate your consulting with the Commission in order to avoid possible prohibited conflicts of interest. If the facts associated with your inquiry change, please contact us for additional guidance.

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.