

## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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April 29, 2022

Via email only to expedite delivery:  
sguasch@townofmedley.com

Honorable Roberto Martell  
Mayor of the Town of Medley  
7777 Northwest 72nd Avenue  
Medley, Florida 33166

Re: INQ 2022-75, Section 2-11.1(g), County Ethics Code, Political Endorsements

Dear Mayor Martell:

Thank you so much for speaking to me recently at a Municipal Clerks Association function hosted by the Town of Medley and for seeking ethics guidance regarding your prospective political endorsement of a candidate for County Court Judge.

### Facts:

You are the Mayor of the Town of Medley, Florida. The Town of Medley has a strong mayor form of government, and you are the municipality's full-time chief executive.

Lisette de la Rosa is a qualified candidate for the position of County Court Judge, Group 19.

You would like to endorse Ms. de la Rosa's candidacy and use your official title as Mayor of the Town of Medley.

### Issue:

Whether the Mayor of the Town of Medley may endorse a candidate for the position of County Court Judge and use his official title.

### Discussion:

As the Mayor of the Town of Medley, you are a covered party under the County Ethics Code as provided in Section 2-11.1(b)(1) of the Code.

Political activity in support or opposition of a candidate or cause is protected by the First Amendment and as such the County Ethics Code does not prohibit municipal elected officials from engaging in political activities outside the workplace.

However, the Ethics Commission has clarified in previous opinions that while persons covered under the Ethics Code are not prohibited from engaging in political activities they must abide by certain limitations.

Section 2-11.1(g) of the Ethics Code, *Exploitation of Official Position Prohibited*, prohibits the use of one's public position to secure special privileges or exemptions for himself or others. Consequently, local officials engaged in political activities are prohibited from using the resources of the municipality in any way to further a political campaign. Furthermore, they are prohibited from directly or indirectly using their municipal positions to intimidate or coerce others into supporting either their own candidacy; a chosen candidate; or to make political contributions. RQO 05-06; INQ 18-232; and INQ 17-49. <sup>1</sup>

The use of an elected official's title of office in a political endorsement, when municipal resources are not otherwise used, has been found to be permissible. Officials "who wish to endorse candidates for office may use the title of their offices in such endorsement...provided that they do not use any city resources in doing so." INQ 12-175.

Opinion:

Based on the facts you have presented; it does not appear that the County Ethics Code would prohibit your endorsement of Lissette de la Rosa's candidacy for County Court Judge. You may use your official title as Mayor as long you do not use any municipal resources in the endorsement.

This opinion is based on the facts presented to the COE. If these facts change, please contact us.

Thank you again for engaging with the Miami-Dade Commission on Ethics and Public Trust.

Sincerely,



Jose J. Arrojo, Esq.  
Executive Director

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<sup>1</sup> See also, INQ 10-133 (West Miami official advised that he or she could not use official city letterhead to endorse a candidate for state office.) INQ 12-175 (City of Miami Commissioners who wished to endorse a candidate for office could use their official titles but could not use any city resources.)

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.

cc: All COE Counsel