



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Dr. Judith Bernier, Chair
Wilfredo Gort, Vice Chair
Nelson C. Bellido, Esq., Commissioner
Ret. Judge Lawrence A. Schwartz, Commissioner
Charlton C. Copeland, Esq., Commissioner

FROM: Nolen Andrew Bunker, Staff Attorney
Commission on Ethics

SUBJECT: **INQ Summaries** (February 1, 2022, to February 28, 2022)

DATE: March 1, 2022

CC: COE Legal Staff

INQs are informal ethics opinions provided by the legal staff after review and approval by the Executive Director. INQs deal with opinions previously addressed in public session by the Commission on Ethics or within the plain meaning of the County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”).

INQ #	County Code at Sec. 2-11.1, Precedent, or other as noted	Requester	Holding
22-07	(j), (k) RQO 16-02 RQO 12-07 RQO 04-168 RQO 00-10 <i>directed to</i> Miami-Dade County AOs 5-5, 7-1	Janie Salane, Stewardship Manager, Miami-Dade Parks, Recreation and Open Spaces	A Stewardship Manager with Miami-Dade Parks, Recreation, and Open Spaces Department (“PROS”) does not have a conflict of interest regarding her employment as a Recreation Aide for the City of Miami Gardens because her outside employment would not impair her independence of judgment in the performance of her County duties as she will not use County time or resources in her outside employment; she will not assist the same clients in both positions; nor will she have any oversight or authority over City or municipal parks in her County position. (LF)

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22-08	(c), (j) RQO 16-02 RQO 00-10	Diana Narcisse, County Commission Clerk 2, Miami- Dade Clerk of the Courts	A County Commission Clerk 2 may contract with the County through her personally owned company – Baked to Lashed, LLC – to participate in the Mom and Pop Small Business Grant program because her outside employment with Baked to Lashed, LLC is unlikely to give rise to a prohibited conflict of interest, and because the Clerk of the Court is not involved in processing or administering the grant. (NAB)
22-09	(c), (d), (f), (g), (h) RQO 15-06 INQ 20-132 INQ 20-127 <i>directed to Fla. Stat. § 112.313(3)</i>	Loren Para, Senior Director of Comms, Office of the Mayor	The County Mayor’s Senior Director of Communications is considered “departmental personnel” as defined in the County Ethics Code. Thus, when she marries an executive officer of Brightline Florida (“Brightline”), that executive may no longer contract or transact business with the County individually or through a company in which he has a controlling financial interest. Because the executive in question does not have a controlling financial interest in Brightline, Brightline may still contract with the County. However, the Brightline executive must file with the Clerk of Courts a notice disclosing his employment with Brightline. Additionally, the Senior Director of Communications should recuse herself from involvement in any communications involving Brightline. (JA)
22-10	(c), (j) RQO 16-02 RQO 12-07 RQO 10-01 RQO 09-16 RQO 04-173 RQO 00-10 INQ 17-232 INQ 16-13	Lieutenant Richard Gonzalez, Miami-Dade Fire Rescue Chief Danny Crespo, Miami- Dade Fire Rescue	A licensed paramedic lieutenant working for the Miami-Dade Fire Rescue Department (“MDFR”) may engage in outside employment as partial owner of Braxton College – a for-profit college offering educational programs in allied health, emergency medical, and fire service professions – and act as its Vice President of Admissions and Compliance without giving rise to a prohibited conflict of interest because the College does not contract with the County or any municipality within the County. However, the College may not contract with MDFR; the MDFR lieutenant may

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	<i>directed to</i> Miami-Dade County AOs 5-5, 7-1		not have any oversight over MDFR training vendors; the MDFR lieutenant may not recruit or solicit MDFR employees to attend the College; and, in the event that MDFR staff attend the College, their attendance may not have any effect on their County assessments or promotions. (EA)
22-11	(d) RQO 15-04 INQ 18-251 <i>directed to</i> Fla. Stat. § 112.3143 (1)(d)	Lorenzo Cobiella, Esq., Gastesi, Lopez & Mestre, PLLC	A Councilman of the Town of Miami Lakes does not have a voting conflict with respect to a salary increase for the Town Manager where his wife works for the municipality as a Community Engagement and Outreach Director because she does not directly report to the Town Manager; rather, she reports to the Deputy Town Manager, who also is responsible for her day-to-day work assignments and scheduling, her performance evaluations, her eligibility for compensation increases, promotions, and discipline (as applicable). (JA)
22-12			*Pending*
22-13	(v) INQ 20-16 INQ 18-258 INQ 17-214 INQ 17-131 <i>directed to</i> Miami-Dade County Resolution No. R-449-14; Miami-Dade County Code § 2-1067	Julie Whiteside, Selection Committee Coordinator, Internal Services Department Sade Chaney, Research Manager, Office of the Commission Auditor	An employee of the Miami-Dade Aviation Department (“MDAD”) who serves as a member of a Seaport Department Selection Committee does not have a prohibited conflict of interest under the County Ethics Code regarding a respondent to a solicitation due to the respondent’s employment of the selection committee member’s second cousin as a manager, regardless of the committee member’s expressed close familial ties with the cousin. However, the Procurement Division imposes stricter standards on selection committee members, and COE legal staff have historically recommended that County employees not serve on selection committees where the employee has a familial connection with an owner of one of the responding firms. Thus, the MDAD employee

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			should not serve on the selection committee given the presence of a close familial tie with a high-level employee of the respondent firm, and the paramount importance of integrity and fairness in the procurement process. (MDP)
22-14	(c), (j) INQ 11-162 <i>directed to</i> Miami-Dade County AOs 5-5, 7-1	Jerome Weldon, Firefighter, Miami-Dade Fire Rescue Danny Cardeso, Fire Division Chief, Miami- Dade Fire Rescue	A firefighter working for the Miami-Dade Fire Rescue Department (“MDFR”) may engage in outside employment as the owner and operator of Jobs Wel-Done 1 LLC (“Jobs”), which provides cleaning services, without giving rise to a prohibited conflict of interest. Additionally, Jobs may contract with the County. However, Jobs may not contract with MDFR, nor may the firefighter/business owner lobby the County to influence a decision regarding any County contract Jobs secures. (EA)
22-15	(d)-vote, (g), (j) RQO 12-03 <i>directed to</i> Miami-Dade County Code §§ 2-1068, 2-1074	Anthony F. DeFillipo, Mayor of the City of North Miami Beach	As a general matter, a municipal mayor may engage in outside employment as a real estate broker and be compensated even if a property’s sale is contingent on subsequent municipal approval of development. However, the mayor may not engage in the outside employment to the extent that any retainer as a broker impedes the full and faithful execution of his public duties. The mayor must abstain from voting on any item that would impact a developer with whom he had a recent business relationship, and the mayor must not influence any matter between his recent real estate clients and the municipality. (JA)
22-16	(j), (k) RQO 16-02 RQO 04-173 RQO 00-10	Sakinah Nelson, Secretary, Internal Services Department	A secretary for the Office of Risk Management and Safety, of the Internal Services Department, may engage in outside employment as a real estate agent for Keller Williams Realty because her outside employment would not impair her independence of judgment in the performance of her County duties. (LF)

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	<i>directed to</i> Miami-Dade County AOs 5-5, 7-1	Keith Westin, Manager, Internal Services Department	
22-17	(e) RQO 99-28 INQ 13-55	Shelly-Ann Davidson, Human Resources Manager, Water and Sewer Department	Employees of Miami-Dade Water and Sewer Department may receive and use a promotional offer from “Monstertruckz.com” for one free child’s ticket with the purchase of one adult ticket to a monster truck show because the promotional offer is available to the general public, and so does not constitute a gift; rather, its general availability indicates a sales or marketing strategy. (NAB)
22-18	(c), (j) <i>directed to</i> Miami-Dade County AO 7-1	Marc Starkey, Correctional Counselor 1, Miami-Dade Corrections and Rehabilitation Department	A County employee may accept a Mom & Pop grant for his privately-owned company as long as his department is not involved in any way in processing or administering the grant, and the employee does not lobby for the grant. (LF)
22-19	(v), (x) <i>directed to</i> Miami-Dade Code § 2-1067	Julie Whiteside, Selection Committee Coordinator, Internal Services Department Sade Chaney, Research Manager, Office of the Commission Auditor	A member of a County selection committee for a Seaport Department project, does not have a voting conflict even though his former employer, Burns & McDonnell Engineering Company, Inc. (“BMEC”), is a respondent to the solicitation on this project, because he will not be directly affected by the vote, he does not have an enumerated relationship with any entity affected by the vote, he has not worked for BMEC since 1997, he does not have any ownership or other financial interest in BMEC, and he has not maintained any business, close social, or other relationship with current BMEC employees. (LF)

INQ #	County Code at Sec. 2-11.1, Precedent, or other as noted	Requester	Holding
22-20	(v), (x) <i>directed to</i> Miami-Dade Code § 2-1067	Julie Whiteside, Selection Committee Coordinator, Internal Services Department Sade Chaney, Research Manager, Office of the Commission Auditor	A member of a County selection committee for a Seaport Department project, does not have a voting conflict even though his former employer, Burns & McDonnell Engineering Company, Inc. (“BMEC”), is a member of the responding team on this project, because he will not be directly affected by the vote, he does not have an enumerated relationship with any entity affected by the vote, he has not worked for BMEC since 1997, he does not have any ownership or other financial interest in BMEC, and he has not maintained any business, close social, or other relationship with current BMEC employees. (LF)
22-21	(c), (j)	Shirlyon McWhorter, Board Member, Domestic Violence Oversight Board	A member of the Miami-Dade Domestic Violence Oversight Board (“DVOB”), which is a part of the Office of Community Advocacy (“OCA”), may contract with the County through her personally owned law firm – McWhorter Law, PLLC, – to participate in the Mom and Pop Small Business Grant program because her outside employment is unlikely to give rise to a prohibited conflict of interest, and because the DVOB and the OCA are not involved in processing or administering the grant. (JA)
22-22	(c), (j) RQO 07-18 <i>directed to</i> Miami-Dade County AOs 5-5, 7-1	Rodrick Billue, Firefighter, Miami-Dade Fire Rescue Danny Cardeso, Fire Division Chief, Miami- Dade Fire Rescue	A firefighter working for the Miami-Dade Fire Rescue Department (“MDFR”) may engage in outside employment as the owner and operator of Grill on Wheelz BBQ & Catering LLC (“GW BBQ”), a food truck and catering service, without giving rise to a prohibited conflict of interest. Additionally, GW BBQ may contract with the County. However, GW BBQ may not contract with MDFR, nor may the firefighter/business owner lobby the County to influence a decision regarding any County contract GW BBQ secures. (EA)

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22-23	(j) RQO 00-10 RQO 16-02 RQO 17-01 INQ 11-194 <i>directed to</i> Miami-Dade County AOs 5-5, 7-1	Mark Watson, Firefighter, Miami-Dade Fire Rescue Danny Cardeso, Fire Division Chief, Miami- Dade Fire Rescue	A firefighter working for the Miami-Dade Fire Rescue Department (“MDFR”) may engage in outside employment as the owner and operator of Gulfstream Petroleum Services, Inc., (“GPS”), a company that installs and maintains large fuel tanks and fueling stations, without giving rise to a prohibited conflict of interest. Additionally, it is noted that COE legal staff previously opined in INQ 11-194 that GPS may contract with the County, but not with MDFR. The firefighter also may not lobby the County to influence a decision regarding any County contract GPS secures. (NAB)
22-24	(c), (j)	Ashley Randle, Correctional Counselor 1, Miami-Dade Corrections and Rehabilitation Department	A County employee may accept a Mom & Pop grant for her privately-owned company as long as her department is not involved in any way in processing or administering the grant, and the employee does not lobby for the grant. (LF)
22-25	(c), (j)	Joyce Johnson Green, Bus Traffic Controller, Department of Transportation and Public Works	A County employee may accept a Mom & Pop grant for her privately-owned company as long as her department is not involved in any way in processing or administering the grant, and the employee does not lobby for the grant. (LF)