

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Tuesday, August 14, 2012 10:48 AM
To: Frigo, Victoria (COE)
Subject: INQ: Question about campaign calls to County workers' phones

From: Ethics (COE)
Sent: Tuesday, August 14, 2012 10:48 AM
To: 'Molly Messer'
Subject: RE: Question about campaign calls to County workers' phones

Ms. Messer:

Thank you for contacting us with this question. We have received other, similar inquiries during the current election, and they raise issues that are not always clearly resolved under criminal or ethical statutes, but ones that deserve to be addressed and considered by all public employees.

There are two central ethical/legal principles in play here. First, public employees' time is a public resource should be directed solely to working for the public interest, just as any public property, equipment or other public resource should likewise be applied only for public purposes. Second, public officials or employees should not use their official power or their special access to public resources to unfair advantage in an election.

While all political candidates have access to county phone numbers, as well as county email addresses (all of which are generally considered public record) and sometimes use them for political purposes, that is a use that is not appropriate and should always be discouraged. On the other hand, home phone numbers for county employees which are on file in county records, except those for protected classes of employees, e.g. police officers, may be considered public record. While I can understand that some county employees may not want to receive such calls at their homes, the fact that the phone numbers are publicly accessible and that such calls do not involve the calling of county employees on county time would remove them from the ethical principles cited above.

As I understand it, however, some campaigns may have inadvertently called county numbers because some county employees have listed their office phones for their personal contact information. While this does not make the practice right, it removes the conduct from the category of an intentional ethical violation. However, if a county employee were involved in accessing non-public information to be used for political campaign purposes, or, if an employee is involved in political campaign activity on county time, these issues would warrant further investigation for possible ethics violations. County employees having knowledge of such improper activity should report it.

I hope this clarifies the issues that concern you. If you have further questions or would like to discuss this further, please feel free to call me at 305-579-2594.

Sincerely,
Joseph Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust

From: Molly Messer [<mailto:woolielamb7@gmail.com>]
Sent: Tuesday, August 14, 2012 6:45 AM

To: Ethics (COE)

Subject: Question about campaign calls to County workers' phones

I am a county employee. Many county employees that I know have been receiving "robo-calls" on our county office phones and some have even received the same types of calls on their cell phones multiple times. The only calls that we have received are from one Mayoral Candidate, Joe Martinez, who is currently a County Commissioner. It seems to be more common that the calls are being received by supervisors, with the higher supervisors receiving more calls than lower level supervisors. Some of my co-workers have received multiple calls on phone numbers that only have been given to the county in the County Blue Book as a contact number for emergencies.

My question is this: Is it ethical and/or legal for a candidate to be 1) contacting county employees and leaving campaign calls on county telephones? 2) Is it legal to call county employees using a required county contact information phone directory to call county employees for such purposes (assuming that is how they were obtained)? It seems as though it would not only give one candidate an unfair advantage, but also waste an incredible amount of staff time and personal time to listen and delete these messages.

Thank you for your consideration,

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Molly Messer