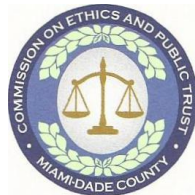


MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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October 20, 2021

Honorable Raquel A. Regalado, Esq.
County Commissioner, District 07
Stephen P. Clark Center
111 NW 1st Street, Suite 220
Miami, Florida 33128

Re: RQO 2021-01, Section 2-11.1(j), Miami-Dade County Code (Conflict of Interest and Code of Ethics Ordinance)

Dear Commissioner Regalado:

At a public meeting on October 12, 2021, the Miami-Dade Commission on Ethics & Public Trust (hereinafter “Ethics Commission”) considered your request for an ethics advisory opinion and opined that Section 2-11.1(j) of the County’s Conflict of Interest and Code of Ethics Ordinance does not prohibit a County Commissioner from accepting outside employment as a radio broadcaster and that such employment does not impair the independence of judgment in the performance of public duties as long as the commissioner abides by certain limitations imposed by the Miami-Dade County Conflict of Interest and Code of Ethics ordinance (hereinafter “Ethics Code”).

More specifically, the Ethics Commission concluded that your employment as co-host of the *Hoy por Hoy* radio show, including preparation and broadcast delivery of content involving general local issues, and specifically, local governance policy and legislative issues, is not prohibited by Section 2-11.1 (j) of the Ethics Code even if you invite and interview County officials, department heads, and higher-level employees with subject matter expertise regarding the issue being discussed during the broadcast.

You advise that your broadcasting work predates your election to the Board of County Commissioners in November 2020, as well as your prior elected position as a Member of the Miami-Dade County Public School Board. For approximately 13 ½ years, you have hosted a radio program in Spanish that focuses on informing listeners about local government issues.

Your current radio show, the *Hoy por Hoy*, is broadcast daily from 9am to noon. As part of your duties as the co-host, you are involved in preparation and broadcast delivery of content that includes general local issues, and specifically, local governance policy and legislative issues. Notably, any County-related issues on the show are generally addressed after-the-fact. Although you refrain from inviting and interviewing your fellow County Commissioners, your guests include County and municipal/local officials, department heads, and employees who have subject matter expertise regarding the issue being addressed during the broadcast. Specifically, any County official, officer, personnel, and employee invited to the show must obtain permission from their Director or supervisor prior to appearing on the radio show.

You are compensated directly by the radio station. Your compensation is based on the ranking of the show and an on-air time arrangement such that if you are not on-air on a particular day, you are not compensated. At your request, your employment agreement specifically provides that no part of your compensation is related to sponsors or advertisers, and you are not involved in promoting any sponsor, advertiser, product, or service.

This opinion is subject to the following limitations:

1. Careful consideration should be given to your relationship to the radio station which could reasonably create an appearance of impropriety as to those issues on which the radio station employer takes a position. The public could reasonably assume that you have some loyalty to the organization that offered you an opportunity to host a radio show. This prohibition would extend to any matters in which the radio station has taken a public position in support or opposition, provided testimony, or otherwise become involved.
2. You must ensure that your contract with the radio station, that is also a County contractor, is negotiated at arms-length and that you are not afforded preferential terms as a result of your public position. The contract must contain terms that are generally comparable to those afforded similarly situated radio hosts in comparable scenarios. *See* Section 2-11.1(u), County Ethics Code.
3. You may not use County time, resources, or staff in furtherance of your outside employment. In the event that you invite County officers or employees to appear on the program, then such appearance must be approved in some manner within the employee's line of supervision, up to and including the Mayor if the employee is a member of the Mayor's senior staff, must have previously been approved of, or the officer or employee must have been directed to engage in public messaging or discussion regarding the topic of on-air discussion. *See* Section 2-11.1(g), County Ethics Code.
4. Likewise, you may not use or disclose confidential information acquired as a result of your County position or use such information for your personal benefit, and specifically to benefit your outside employment as a broadcaster or for the benefit of the employing radio station. *See* Section 2-11.1(h), County Ethics Code.

5. You are prohibited from representing the employing radio station before the County and from participating in any matter before the County in which your outside employer is a party. *See* Section 2-11.1(m)(1), County Ethics Code.
6. You should remain cautious regarding having other County Commissioners on your program so as to avoid the perception of possible collusion or improper communications between elected officials, even if the topic of discussion is not one likely to be considered and voted upon by the County Commission.

Attached for further reference is the staff memorandum prepared for the Ethics Commission as part of its consideration of this matter.

This opinion construes the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and is not applicable to any conflict under state law. If you have any questions regarding this opinion, please do not hesitate to contact me or the Ethics Commission's General Counsel, Martha Diaz Perez

Sincerely,



Jose J. Arrojo
Executive Director



Martha D. Perez
General Counsel