

REQUEST FOR OPINION CHECKLIST

Request for Opinion

Dated 7/1/02

Investigative File

Draft Opinion

Notification to requestor of hearing before commission:

Scheduled for \_\_\_\_\_ at \_\_\_\_\_ .m; or No \_\_\_\_\_

Commission Action: \_\_\_\_\_

Final Opinion Letter: Mailed on: \_\_\_\_\_; or

Final Disposition: \_\_\_\_\_

\_\_\_\_\_

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**DeLaCruz, Cherish (COE)**

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**From:** DeLaCruz, Cherish (COE)  
**Sent:** Wednesday, January 15, 2003 2:41 PM  
**To:** McCartney-Donaldson, Effie (DIST2)  
**Subject:** Request for Opinion 02-153

Dear Ms. McCartney-Donaldson:

The Commission on Ethics and Public Trust is in receipt of your request for an advisory opinion. The commission will hear your request and render its opinion at its meeting scheduled for January 22, 2003. Please note that you are permitted to be present at the meeting and our office will require your advanced notification in the event you wish to appear. **Requests for opinions will be heard between 10:00 a.m.- 10:45 a.m..**

If you have any questions regarding the foregoing, please call the undersigned at (305)350-0616.

Sincerely Yours,

Ardyth Walker  
Staff General Counsel

**DeLaCruz, Cherish (COE)**

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**From:** DeLaCruz, Cherish (COE)  
**Sent:** Thursday, December 12, 2002 2:51 PM  
**To:** McCartney-Donaldson, Effie (DIST2)  
**Subject:** Request for Opinion 02-153

Dear Ms. McCartney Donaldson:

The Commission on Ethics and Public Trust is in receipt of your request for an advisory opinion. The commission will hear your request and render its opinion at its meeting scheduled for December 18, 2002. Please note that you are permitted to be present at the meeting and our office will require your advanced notification in the event you wish to appear. **Requests for opinions will be heard between 10:15 a.m.- 11:15 a.m..**

If you have any questions regarding the foregoing, please call the undersigned at (305) 579-2653.

Sincerely Yours,

Ardyth Walker  
Staff General Counsel

12/12/2002

M E M O R A N D U M

TO: COMMISSION ON ETHICS AND PUBLIC TRUST  
FROM: ARDYTH WALKER, STAFF GENERAL COUNSEL  
RE: RQO 02-153  
DATE: NOVEMBER 12, 2002  
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BACKGROUND

Effie McCartney-Donaldson, an aide to Commissioner Dorrin Rolle, is seeking an advisory opinion regarding her ability to serve as a member of the Metro Miami Action Plan Trust.

FACTS

Donaldson was appointed to the Metro-Miami Action Plan Trust prior to her employment with Miami-Dade County. The Metro-Miami Action Plan's (MMAP) major responsibility is economic empowerment of the Black community. MMAP also sponsors criminal justice and educational programs. All MMAP employees are county employees and MMAP presents an annual budget request to the Board of County Commissioners.

The members of the MMAP trust are empowered, among other things, to establish a five-year comprehensive plan and identify and develop funding sources.

ARGUMENT

Donaldson may serve as a member of the Metro-Miami Action Plan Trust. However, Donaldson may not vote on matters that will come before the Board of County Commissioners for approval. Section 2-503 of the Code of Miami-Dade County provides the criteria for serving as a member of the MMAP Trust. Section 2-503 provides that "notwithstanding any provision of 2-11.1 of this code", the voting membership of MMAP shall include a representative from state or local government. Therefore, Donaldson may serve as a member of the MMAP Trust.

Section 2- 504 (c ) of the Code of Miami-Dade County states that "trustees who are representatives of or who are

employed by any state or local government agency may not vote on any matter affecting the governmental agency by which they are employed or which they represent". Under this section of the ordinance, Donaldson is prohibited from voting on any matter that will come before the Board of County Commissioners.

Further, Donaldson is prohibited from disclosing confidential information acquired as a result of her county employment to MMAP or using her official position to secure special benefits for MMAP. Section 2-11.1 (g) provides that no person... shall use or attempt to use your official position to secure special privileges or exemptions for yourself or others". Therefore, Donaldson may not use her position to help MMAP achieve special privileges or exemptions.

Moreover, Donaldson may not disclose confidential information to MMAP during her service on the trust. Section 2-11.1 (h) provides that no person... shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his professional position, nor shall he in fact ever disclose confidential information garnered or gained through his official position with the county nor shall he use ever use such information, directly or indirectly for his personal gain or benefit. Accordingly, Donaldson may not disclose confidential information acquired through her employment.

#### CONCLUSION

Donaldson may continue to serve as a member of the MMAP Trust. However, Donaldson may not vote on matters that may come before the Board of County Commissioners for action. Further, Donaldson is prohibited from disclosing any confidential information acquired as a result of her employment or using her position to secure special benefits for MMAP.

**DeLaCruz, Cherish (COE)**

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**From:** DeLaCruz, Cherish (COE)  
**Sent:** Tuesday, November 12, 2002 1:19 PM  
**To:** McCartney-Donaldson, Effie (DIST2)  
**Subject:** Request for Opinion - RQO 02-153

Dear Ms. McCartney-Donaldson:

The Commission on Ethics and Public Trust is in receipt of your request for an advisory opinion. The commission will hear your request and render its opinion at its meeting scheduled for November 19, 2002. Please note that you are permitted to be present at the meeting and our office will require your advanced notification in the event you wish to appear. **Requests for opinions will be heard between 12:15 p.m. and 1:00 p.m.**

If you have any questions regarding the foregoing, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,

ROBERT MEYERS  
Executive Director

11/12/2002

RDO 02-153

**Walker, Ardyth (COE)**

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**From:** McCartney-Donaldson, Effie (DIST2)  
**Sent:** Wednesday, November 06, 2002 8:37 AM  
**To:** Walker, Ardyth (COE)  
**Subject:** County employee membership on MMAP Trust Board

Dear Ms. Walker,

I am seeking an opinion as to whether I can remain a member of the Metro-Miami Action Plan Trust Board in light of my recent employ with the County. I understand that County employees have served on this Board in the past, and could not find anything in the Code that prevents it, however, I am seeking your authoritative opinion. Please advise at your earliest convenience.

Sincerely,

Effie McCartney-Donaldson