

MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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November 29, 2023

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Via Facsimile Only:

RobJGonzalez@miamidade.gov

Honorable Roberto J. Gonzalez
District 11 Commissioner
111 Northwest 1st Street, Suite# 320
Miami, Florida 33128

Re: INQ 2023-158, Personal Reference Letter, Sec. 2-11.1(g), Miami-Dade Code

Dear Commissioner Gonzalez:

Thank you for contacting the Miami-Dade County Commission on Ethics and Public Trust and for seeking guidance regarding the application of the County Ethics Code (Section 2-11.1, Miami-Dade Code) to the transaction described below.

Facts:

Commissioner Roberto Gonzalez serves as the District 11 Commissioner on the Board of County Commissioners. Commissioner Gonzalez is lifelong friends with a person who is applying for a position as a Miami-Dade firefighter. The applicant has asked Commissioner Gonzalez for a character reference letter that will be used as part of his firefighter candidate submission to the County.

Issue:

Whether an elected official may provide a character reference letter to a lifelong friend to be used as part of an application for employment.

Discussion:

Section 2-11.1(g) of the County 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.

This provision has been interpreted to limit the use of official titles and stationery, or public resources generally, for personal recommendations or political endorsements.

However, the Ethics Commission has previously opined that when an official has interacted with a requesting party in a personal capacity, then the official may provide a character reference or recommendation letter using personal stationery and may identify himself or herself by official position in the letter. ¹

Opinion:

Consequently, based the reasoning supporting the above cited ethics opinions, it would be permissible for you to provide a character reference or recommendation letter for your lifelong friend to use as part his application for employment as a County firefighter so long as you use your personal (or private business) stationery. You may identify yourself by your official position.

Of course, you may not otherwise use your official position or any public resources to advance your friend's County firefighter application process.

Thank you again for consulting with the Ethics Commission and do not hesitate to contact me should you need any additional assistance.

Sincerely,



Jose J. Arrojo
Executive Director

¹ RQO 05-06; INQ 17-243; INQ 2022-75.

See also CEO 99-08 (A Circuit Court Clerk's providing a letter of recommendation for an appointment, job, or grant for a person who has nothing to do with Clerk's Office, using stationery purchased with her own personal funds that identifies the writer as the Circuit Court Clerk, would not violate any provision of the Code of Ethics for Public Officers and Employees, so long as there is no *quid pro quo* of value to the Clerk in exchange for her recommendation, such as a campaign contribution, and there is no other benefit to the Clerk other than the incidental political benefit of gaining the goodwill of the constituent.)

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 Legal Staff

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