



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Patricia Thomas, Human Resources Manager  
Miami-Dade Community Action and Human Services Department

**FROM:** Nolen Andrew Bunker, Staff Attorney  
Commission on Ethics

**SUBJECT:** INQ 2024-153, Section 2-11.1(g), Exploitation of official position prohibited.

**DATE:** September 11, 2024

**CC:** All COE Legal Staff; Charles Brown, Jr., Chief of Human Resources Division,  
Miami-Dade Community Action and Human Services Department

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Thank you for contacting the Miami-Dade County Commission on Ethics and Public Trust (“Ethics Commission”) and requesting our guidance regarding a possible conflict of interest.

#### Facts

The Miami-Dade Community Action and Human Services Department (“CAHSD”) provides comprehensive social services to Miami-Dade individuals and families with services designed and coordinated to address and relieve hardships associated with poverty. The department’s major goals include, among others, improving access to abuse prevention, intervention, and support services.<sup>1</sup> As a result, victims of domestic violence can get help accessing services from CAHSD’s Violence Prevention and Intervention Division.<sup>2</sup> The Violence Prevention and Intervention Division of CAHSD is overseen by Division Director Shareefah Robinson.

An employee of CAHSD’s Violence Prevention and Intervention Division is Ms. Alvastine Bethel. Ms. Bethel is employed by CAHSD as a Victim Crime Act Specialist 1. In that role, she assists victims of domestic violence to find needed services, including housing/shelter, completion of temporary restraining order requests, and obtaining legal services. You advised that Ms. Bethel is

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<sup>1</sup> See *About Us*, COMMUNITY ACTION AND HUMAN SERVICES, <https://www.miamidade.gov/global/social/services/home.page> (last visited Sept. 6, 2024).

<sup>2</sup> See *Violence Prevention and Intervention*, [https://www.miamidade.gov/global/service.page?Mduid\\_service=ser1502483183449106](https://www.miamidade.gov/global/service.page?Mduid_service=ser1502483183449106) (last visited Sept. 6, 2024).

currently on probation and will receive a performance evaluation at the end of her probationary period. You further explained that this performance evaluation will be done by Ms. Bethel's first-line supervisor and then reviewed by Ms. Bethel's second-line supervisor. You further indicated that Division Director Robinson will play no role in this process, stating that, if Ms. Bethel disagrees with her performance evaluation, that dispute will be reviewed directly by the Director of CAHSD.

You advised that it has come to your attention that Ms. Bethel may have a familial connection to Division Director Robinson. Specifically, you advised that Ms. Robinson's and Ms. Bethel's children are cousins. You elaborated that this relationship is through the respective children's fathers, who are brothers. However, you further advised that neither Ms. Robinson nor Ms. Bethel are currently married to the fathers of their respective children.

### Issue

Whether there is a prohibited conflict of interest that would prevent a CAHSD Division Director from being in the chain of approval for probationary and job performance reviews of the mother of her child's cousin.

### Analysis

The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance ("County Ethics Code") does not explicitly address nepotism. *See* RQO 01-78; INQ 22-89; INQ 22-03.

However, Section 2-11.1(g) of the County Ethics Code provides that no County employee "shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others," unless expressly permitted by ordinance. This section has been interpreted to mean that County employees must avoid any action hiring, promoting, or advocating for the advancement of an *immediate family member*. *See* INQ 22-89 (citing RQO 99-24); INQ 17-233. The County Ethics Code defines immediate family as the spouse, domestic partner, parent, stepparent, sibling, half-sibling, step-sibling, child, and/or stepchild of the County employee. *See* County Ethics Code § 2-11.1(b)(9). Section 2-11.1(g) of the County Ethics Code also prohibits any situation where a County employee provides some special hiring or promotion privilege to someone with whom they have a special relationship. *See* INQ 23-51; INQ 18-148.

In practice, no prohibited conflict of interest prevented a Miami-Dade County Commissioner from hiring and supervising her cousin's husband as her Chief of Staff. *See* RQO 01-78. Similarly, there was no prohibited conflict of interest when the Village Manager of North Bay Village sought to hire a distant relation as Assistant Village Manager, so long as the hiring was based on objective factors and not familial connection. *See* INQ 18-148. Additionally, an Assistant Director of the Miami-Dade County Homeless Trust did not have a prohibited conflict of interest that prevented him from supervising an individual with whom he had a longstanding personal friendship, provided that he was able to treat her fairly and neither favor nor disfavor her over other individuals who he supervised. *See* INQ 23-51.

Here, it does not appear that any prohibited conflict of interest would arise from Division Director Robinson's participation in the supervisory chain of command over Ms. Bethel because they are not immediate family members as defined in the County Ethics Code. *See* County Ethics Code § 2-11.1(b)(9). Furthermore, they share no direct familial connection; while their children are cousins, and Division Director Robinson and Ms. Bethel would be sisters-in-law if married to the fathers of their respective children, they are not so married and, as a result, they do not share a familial relationship. Additionally, a remote or tangential familial connection or a personal friendship does not give rise to a prohibited conflict of interest, provided that the supervising individual does not provide any special favor or advantage to the supervisee. *See* RQO 01-78; INQ 23-51; INQ 18-148.

Nevertheless, while the Ethics Commission only has jurisdiction to interpret and opine on the County Ethics Code (and other ordinances not pertinent to this inquiry), Florida law must not be ignored. Specifically, Florida's anti-nepotism law provides that:

A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or over which the official exercises jurisdiction or control any individual who is a relative of the public official.

Fla. Stat. § 112.3135(2)(a). A "public official" includes any County employee with the authority "to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement." Fla. Stat. § 112.3135(1)(a), (c). A "relative" includes a:

[f]ather, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

*See* Fla. Stat. § 112.3135(1)(d).

Despite the broad definition of relative contained in Florida law, it appears that Division Director Robinson and Ms. Bethel would not be considered relatives because they do not share any of the above-listed relationships; they are not sisters-in-law because they are not married to the fathers of their respective children. However, for an authoritative interpretation of Florida law, you should contact the Florida Commission on Ethics and/or the Florida Attorney General's Office.

Finally, while the Ethics Commission does not have authority to interpret the Nepotism Policy of Miami-Dade County, it too must not be ignored. Similar to Florida's anti-nepotism provisions discussed above, the policy expansively defines relative to include: father, mother, son, daughter, brother, sister, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, husband, wife, registered domestic partner, child or parent of a registered domestic partner,

uncle, aunt, nephew, niece, and first cousin.<sup>3</sup> However, even with this broad definition of relative, it still does not appear that Division Director Robinson and Ms. Bethel would be considered relatives in light of the tangential familial connection that they share – that their children are first cousins to one another. For an authoritative interpretation of Miami-Dade County policy, you should contact the County Mayor’s Office.

### Opinion

Based on the facts presented here and discussed above, **no prohibited conflict of interest would arise under the County Ethics Code that would prevent CAHSD Division Director Robinson from being in the chain of approval for probationary and job performance reviews for Ms. Bethel.** See RQO 01-78; INQ 23-51; INQ 18-148. However, Section 2-11.1(g) of the County Ethics Code would prohibit Division Director Robinson from using her official position to provide Ms. Bethel with any special favor or advantage. No facts have been presented to suggest that Division Director Robinson would provide Ms. Bethel with such improper favor or advantage in her supervision of her. Accordingly, while you have advised that Division Director Robinson will have no role in Ms. Bethel’s end-of-probation review, it does not appear that the County Ethics Code would prohibit Division Director Robinson from being in the chain of command and of review for Ms. Bethel for the reasons discussed above.

This opinion is based on the facts presented. If these facts change, or if there are any further questions, please contact the above-named Staff Attorney.

For an opinion regarding Florida ethics law, please contact the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317, phone number (850) 488-7864, <http://www.ethics.state.fl.us/>.

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 Commission on Ethics 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.

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<sup>3</sup> The Nepotism Policy of Miami-Dade County is available at: <https://www.miamidade.gov/human-resources/library/miami-dade-county-nepotism-policy.pdf> (last visited Sept. 9, 2024).