

# THE NEW ETHICS BEAT

*The Newsletter of the Miami-Dade County Commission on Ethics and Public Trust*

19 West Flagler Street ■ Suite 820 ■ Miami, FL 33130 ■ [www.miamidade.gov/ethics](http://www.miamidade.gov/ethics)

## Executive Director's Corner

Spring 2007

### Legislative Changes Implemented in Order to Protect Whistleblowers from Retaliation

Uncovering unethical behavior in the workplace is a difficult proposition, particularly in large organizations with many bureaucratic layers. Even well-financed watchdog agencies are incapable of ferreting out all forms of ethical improprieties, even with the assistance of insiders who are willing to report wrongdoing committed by their colleagues. Whether real or perceived, there are risks associated with blowing the whistle against co-workers and supervisors. Of course, there is a cost to remaining silent too, but many studies have detailed the negative consequences experienced by government workers who file complaints under federal, state or local whistleblower laws. Despite the fairly elaborate protections that whistleblowers are offered on paper, many complainants suffer tangible, economic losses for coming forward; others often times are ostracized and labeled as malcontents.

There are two major factors that likely influence the decision of a government employee to blow the whistle. The first consideration is whether the activity the employee witnessed and found objectionable is actually punishable and is sufficiently serious to warrant the filing of a claim. Assuming the conduct is a major breach of the public trust, the employee must also calculate the potential for retaliation for blowing the whistle. If public organizations expect to mount effective campaigns to reduce waste, fraud and gross mismanagement in government, employees need assurances that good faith complaints will not result in management reprisals against them. As long as employees are of the mindset that the costs far exceed the benefits of blowing the whistle, only a courageous few will come forward.

Employees working for Miami-Dade County who believe they have suffered retaliation can avail themselves of several options, one which now empowers the Miami-Dade Ethics Commission, upon the request of the employee filing the retaliation charge, to investigate and hear these complaints. A finding of retaliation by the Ethics Commission is treated as a form of exploitation of official position, leading to the real possibility that the retaliator will be punished.

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### THE COMMISSION

Kerry E. Rosenthal, Chair

Dawn Addy, Vice Chair

Judge Seymour Gelber

Magda Abdo-Gomez

Robert Meyers, Executive Director

## “BEAT BITS”

### Gratitude and Best Wishes to Gail Dotson

The Ethics Commission extends its appreciation to Gail Dotson for serving on the board since 2001. She has joined the City of Miami as an Assistant City Attorney and we wish her well.

### Model Student Ethics Program

The Ethics Commission is happy to announce that, with the support and collaboration of the Alternative Education Division of the Miami-Dade County Public Schools and the “Do the Right Thing” Program, its Model Student Ethics Program will be offered officially at select elementary, middle and high schools in spring '08. Stay tuned for more details.

### Campaign Skills Seminar

On March 29, 2007, the Ethics Commission held a two-hour workshop at Coral Gables City Hall to provide essential information to local candidates about legal and ethical campaign obligations. Among the topics discussed: responsibilities associated with running an ethical campaign, duties for reporting and disclosing financial statements, and best practices regarding collecting and expending campaign funds.

## Magda Abdo-Gomez

### Featured Commissioner

Magda Abdo-Gomez was sworn in as a member of the Miami-Dade County Commission on Ethics and Public Trust on March 22, 2007, filling the seat vacated by Brenda Rivera. She will serve a term of four years.

Ms. Abdo-Gomez is an Adjunct Professor at St. Thomas University School of Law where she teaches Debtor-Creditor Rights, Bankruptcy and Bankruptcy Clinic. After earning her LL.M. in Taxation from the University of Florida, she worked at Robert Feinschreiber and Associates for five months before joining the Chief Counsel’s Office of the Internal Revenue Service in Miami. Her work consisted of all aspects of Tax Court litigation, preparation of defense letters and advisory opinions, and coordination of bankruptcy and refund litigation cases with the United States Attorney and the Department of Justice. In 1986, Ms. Abdo-Gomez became a Special Assistant United States Attorney with the U.S. Attorney’s Office in Miami handling all aspects of Bankruptcy Court litigation on behalf of the United States Internal Revenue Service. Since 1988, Ms. Abdo-Gomez has had her own practice. She graduated *summa cum laude* with a B.A. from the University of Miami and earned both a J.D. and LL.M. in Taxation from the University of Florida.

“I believe that the work of the Commission on Ethics and Public Trust is of great importance in today’s business climate,” says Ms. Abdo-Gomez. “The public must receive assurance that our public officials are expected to act responsibly and ethically in carrying out their civic duties. I consider it a great privilege to have been asked to be part of the Commission.”

## Ethics, Integrity and Accountability Task Force Created

In a continuing effort to foster confidence in the County's public servants and government entities, the Commission on Ethics and Public Trust created the Ethics, Integrity and Accountability (EIA) Task Force in April 2007. Members were selected from among area academics, lawyers, and government and business leaders. The EIA Task Force is reviewing current legal and ethical standards in the County and will examine other accountability measures and integrity-related initiatives. The exact scope of the review and any resulting recommendations will be at the discretion of the Task Force members.

"Because of its special responsibility to the community, the Commission strives to do more than just react when a specific situation arises," says Robert Meyers, Executive Director of the Ethics Commission. "The work of the EIA Task Force will allow for a comprehensive evaluation and may lead to legislative changes and adjustments to the Commission's charge, if deemed necessary."

The EIA Task Force is targeting early 2008 to submit its report to the Ethics Commission, which will, in turn, forward those recommendations to the Board of County Commissioners and to the Office of the Mayor.

Ethics Commission staff members regularly participate in local, regional and national events:

April 2007, Miami-Dade ASPA Conference: Robert Meyers, COE Executive Director, and Ardyth Walker, COE Staff General Counsel, participated in the Ethics and Public Service Panel.

May 2007, Orange County Charter Review Subcommittee on Ethics and Elections: Robert Meyers spoke to the subcommittee on the topics of ethics and election reforms in Miami-Dade County.

May 2007, Florida ASPA Conference: Robert Meyers presented a paper on whistleblowing.

May 2007, Florida League of Cities Risk Management Conference: Robert Meyers gave a speech on ethics and conflicts of interest to public sector risk managers.

May 2007, Miami-Dade County Annual Academy of Information Technology Student/Industry Conference: Robert Thompson, COE Community Outreach Coordinator, discussed "Ethics in the Workplace."

### FUTURE ETHICS COMMISSION EVENTS:

- Government Ethics and Procurement Conference
- Brown Bag Ethics Lunch Series



## WORDS TO THE WISE

### All Quiet on the Bids Front

It is the policy of the County that a *Cone of Silence* be established on all County competitive selection processes including RFP's, RFQ's, bids for the provision of goods and services, and audit and Independent Private Sector Inspector General contracts.

### Mandatory Training for County Advisory Boards

All members of Miami-Dade County Advisory Boards must receive ethics training. Sessions take place one Wednesday per month, at 8:30 AM or at Noon. The full schedule can be found on the Ethics Commission website. Please call the office to confirm your attendance.

### Collecting Rent May Equal Outside Employment

Collecting rent on more than two properties constitutes outside employment. County employees must, first, obtain permission for outside employment from their supervisors and, second, disclose outside employment income annually.

### Medical Sales Reps as Lobbyists

Sales representatives who contact physicians at Jackson Memorial Hospital seeking to sell products and services or to obtain recommendations must register as lobbyists, according to a recent opinion of the Ethics Commission (RQO 06-63). The new requirement pertains not only to efforts made to influence physicians serving on procurement review and selection committees, but also to contacts made to gain a physician's preference or recommendation.

Although merely providing general descriptions of products or responding to technical questions may not be lobbying *per se*, once these conversations veer toward influencing a physician's actions or decision-making, they become lobbying.

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This legislative change is clearly a step in the right direction and should serve as a signal to County employees that retaliation against them will no longer be tolerated in Miami-Dade County.

### Contact the Ethics Commission

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"Relativity applies  
to physics,  
not **ethics**."

Albert Einstein