
From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, November 19, 2015 12:47 PM
To: Sanchez, Rodzandra (COE)
Subject: Parker Thomson, Esq., Board of Directors, Friends of the Underline (Advisory Personnel)
INQ 15-266

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From: Centorino, Joseph (COE)
Sent: Thursday, November 19, 2015 12:28 PM
To: 'parker.thomson@hoganlovells.com'
Cc: Libhaber, Bruce (CAO); Sanchez, Gerald (CAO); Diaz-Greco, Gilma M. (COE); Perez, Martha D. (COE)
Subject: INQ 15-266 Parker Thomson, Esq., Board of Directors, Friends of the Underline (Advisory Personnel)

Parker:

Following your inquiry regarding whether members of the Board of Friends of the Underline would be prohibited from bidding or participating on projects that go forward under the partnership between Friends of the Underline, a private 501 (c)(3) entity, and Miami-Dade County, I conferred with Assistant County Attorney Bruce Libhaber concerning the project. It is my understanding that your private non-profit group is involved in raising funds for use in completing the Miami Underline, a public/private collaboration that will enhance the space contiguous with portions of the Metrorail line in Miami-Dade County. It is my understanding that the group will have input into the development of the overall project as well as input into specific decisions regarding particular aspects of the project, that will entail expenditure of County resources in addition to private contributions. Friends of the Underline is a private, non-governmental organization that has been recognized and encouraged by the County to play this role in this important community enhancement project. However, inasmuch as it is not a County advisory board under Section 2-11.1(a)(4) of the County Ethics Code, nor is there any existing agreement, formal or informal, between the County and Friends of the Underline concerning the board members' ethical responsibilities under the County Ethics Code, there are no applicable provisions of the Code regarding conflicts of interest. Therefore, there is at this time no prohibition on members of the Friends' board bidding on or participating in individual contracts that will be entered into in the future to complete the project.

It is my opinion that this is problematical insofar as the Friends of the Underline is operating with the explicit approval of the County and that public resources will be an important part of the overall effort to accomplish the goals of the project. I am concerned that there would be conflicts of interest occurring in connection with such participation by board members and their involvement in a publicly supported project. I have indicated to Mr. Libhaber that it would be prudent and advisable for the County to consider placing reasonable restrictions on the participation of members of your board concerning contracts that will be issued for this project in order to avoid conflicts or appearances of impropriety detrimental to the public trust.

Sincerely,
Joe

Joseph M. Centorino

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