

---

**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, May 14, 2015 9:31 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Lynn Summers, Prospective Appointee to Miami-Dade Public Library Advisory Board (Voting Conflict) INQ 15-85  
**Attachments:** Harris email.pdf; Certificate of Incorporation- Friends of Miami-Dade Public Library.pdf; Library Advisory Board - Ordinance Article XXII.pdf

INQ 15-85 Sumners

---

**From:** Rondrea Harris [mailto:harrisr@mdpls.org]  
**Sent:** Wednesday, May 13, 2015 4:40 PM  
**To:** Centorino, Joseph (COE)  
**Cc:** Diaz-Greco, Gilma M. (COE); Sanchez, Gerald (CAO)  
**Subject:** RE: INQ 15-85 Lynn Summers, Prospective Appointee to Miami-Dade Public Library Advisory Board (Voting Conflict)

Mr. Centorino:

Thank you very much for your response. I will forward this information to our Library Advisory Board Chairperson.

Sincerely,  
Rondrea

---

**From:** Centorino, Joseph (COE) [mailto:CENTORI@miamidade.gov]  
**Sent:** Wednesday, May 13, 2015 4:29 PM  
**To:** Rondrea Harris  
**Cc:** Diaz-Greco, Gilma M. (COE); Sanchez, Gerald (CAO)  
**Subject:** INQ 15-85 Lynn Summers, Prospective Appointee to Miami-Dade Public Library Advisory Board (Voting Conflict)

Ms. Harris:

You have inquired on behalf of Ms. Lynn Summers, in your capacity as Executive Secretary of the Miami-Dade County Library Advisory Board ("Library Advisory Board") regarding whether she would face a prohibited conflict in being appointed a member of the Miami-Dade Public Library Advisory Board, in view of her service as a member of the Friends of the Miami-Dade Public Library Board of Trustees ("Friends"). The Library Advisory Board is an advisory board of Miami-Dade County government, and, as such, its members are subject to the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 of the Miami-Dade County Code. Further, such members are subject to Subsection 2-11.1(v), which covers voting conflicts for advisory board members. The Friends is a board that oversees a duly organized non-profit entity of the State of Florida, Friends of the Miami-Dade Public Library, Inc. You have provided a copy of the Certificate of Incorporation and Articles of Incorporation for this entity, which indicate that it is organized to promote the interests of the Miami-Dade Public Libraries. It appears that this group is dedicated to supporting the activities of the public library, including fundraising and related activities conducted for its benefit.

There is no conflict of interest provision in the County Ethics Ordinance that would prohibit Ms. Summers from serving on both boards. However, inasmuch as it is likely that, from time to time, the Library Advisory Board will have matters before it that involve the Friends or activities of the Friends, then it is appropriate to ask whether that may at some point create a voting conflict. Subsection 2-11.1(v) of the Code provides that a member of a Miami-Dade County advisory board may not vote on any matter presented to it "if the board member will be directly affected by the action

of the board on which the member serves, **and** the board member has any of the following relationships with any of the persons or entities appearing before the board:

(i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor” (emphasis added). Further, under State law, Section 112.313(7), Florida Statutes, no public officer may serve in a position in which he or she has a “frequently recurring conflict.” An advisory board member is considered a “public officer” pursuant to Section 112.313(1).

As a board member of the Friends, Ms. Summers would be considered a director of that entity. However, in order to trigger the prohibition in the provision cited above, she would have to be “directly affected” by the matter, i.e., there would have to be some personal effect or impact on Ms. Summers apart from the impact felt generally by people in the library system or in the community at large. It appears to me unlikely that very many matters coming before the Library Advisory Board involving the Friends would have a personal impact on Ms. Summers so as to implicate the Miami-Dade County Ordinance or the provision in State law regarding “frequently recurring conflict.”

Accordingly, it is my opinion that Ms. Summers may serve on both boards. However, she should consider, whenever any issue involving the Friends comes before the Library Advisory Board, whether she would be specially or personally affected by the vote, in in which case she would need to recuse herself. In the event that she should have a question in connection with such a matter, it would be appropriate for her to contact this agency and request an opinion.

Sincerely,

Joseph M. Centorino  
Executive Director and General Counsel  
Miami-Dade Commission on Ethics and Public Trust  
305-579-2594

---

**From:** Thompson, Robert A. (COE)  
**Sent:** Monday, April 27, 2015 2:20 PM  
**To:** Centorino, Joseph (COE)  
**Subject:** FW: City of Miami - Library Advisory Board Appointments

Forwarded for your information. Please respond.  
Robert Thompson

---

**From:** Rondrea Harris [<mailto:harrisr@mdpls.org>]  
**Sent:** Monday, April 27, 2015 1:21 PM  
**To:** Seavey, Richard (CAO); 'Haber, Matthew S.'  
**Cc:** Mendez, Victoria; Min, Barnaby; Gomez, Marta; Menardy, Alicia T.; Thompson, Robert A. (COE); Gia Arbogast  
**Subject:** RE: City of Miami - Library Advisory Board Appointments

Good afternoon:

I spoke with Mr. Robert Thompson of the Miami-Dade Commission on Ethics and Public Trust. Since Ms. Lynn Summers is currently a member of the Friends’ of the Miami-Dade Public Library Board of Trustees, Mr. Thompson will confirm that there won’t be a “conflict of interest” with Ms. Summers serving on both boards. Also, since Ms. Summers wasn’t nominated by the Library Advisory Board Nominating Committee, we don’t have a copy of her resume on hand.

I will notify everyone as soon as I hear word from Mr. Thompson.

Sincerely,

**Rondrea S. Harris, Sr. Executive Secretary**  
Office of Gia Arbogast, Interim Director

Miami-Dade Library Advisory Board  
**Miami-Dade Public Library System**  
(305) 375-5026  
(305) 375-5545 Fax  
[www.mdpls.org](http://www.mdpls.org)



---

**From:** Seavey, Richard (CAO) [<mailto:SEAVEY@miamidade.gov>]  
**Sent:** Friday, April 24, 2015 3:36 PM  
**To:** 'Haber, Matthew S.'; Rondrea Harris  
**Cc:** Mendez, Victoria; Min, Barnaby; Gomez, Marta; Menardy, Alicia T.  
**Subject:** RE: City of Miami - Library Advisory Board Appointments

Hello Matthew,

I was informed by Rondrea that there may be a conflict of interest, but I do not recall what that conflict was. In any event, conflict questions should be referred to the Commission on Ethics, not the CAO, in this context. I'm sorry I cannot be more definitive.

Richard C. Seavey  
Assistant County Attorney  
111 N.W. First St., Ste. 2810  
Miami, Florida 33128  
Tel: (305) 375-3325  
Fax: (305) 375-5634

---

**From:** Haber, Matthew S. [<mailto:MSHaber@miamigov.com>]  
**Sent:** Friday, April 24, 2015 2:43 PM  
**To:** Harris, Rondrea S. [MDPLS]; Seavey, Richard (CAO)  
**Cc:** Mendez, Victoria; Min, Barnaby; Gomez, Marta; Menardy, Alicia T.  
**Subject:** FW: City of Miami - Library Advisory Board Appointments

Hello Rondrea and Richard,

It's come to my attention that one of the City's nominees, Lynn Summers, may have a conflict of interest. At this point, I am unfamiliar with Ms. Summers' resume or any of the facts that might inform such a determination.

Do you have a copy of her resume or any knowledge of this potential situation?

I'd be grateful for any information or guidance that you can provide.

Thank you.



Matthew Haber,  
Assistant City Attorney  
The City of Miami  
T: 305-416-1837  
F: 305-416-1801  
[mshaber@miamigov.com](mailto:mshaber@miamigov.com)

**Disclaimer:** This e-mail is intended only for the individual(s) or entity(s) named within the message. This e-mail might contain legally privileged and confidential information. If you properly received this e-mail as a client or retained expert, please hold it in confidence to protect the attorney-client or work product privileges. Should the intended recipient forward or disclose this message to another person or party, that action could constitute a waiver of the attorney-client privilege. If the reader of this message is not the intended recipient, or the agent responsible to deliver it to the intended recipient, you are hereby notified that any review, dissemination, distribution or copying of this communication is prohibited by the sender and to do so might constitute a violation of the Electronic Communications Privacy Act, 18 U.S.C. section 2510-2521. If this communication was received in error we apologize for the intrusion. Please notify us by reply e-mail and delete the original message. Nothing in this e-mail message shall, in and of itself, create an attorney-client relationship with the sender. Under Florida law, e-mail addresses and the contents of the e-mail are public records. If you do not want your e-mail address, or the contents of the e-mail released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

---

**From:** Menardy, Alicia T.  
**Sent:** Monday, April 20, 2015 3:46 PM  
**To:** Haber, Matthew S.  
**Cc:** Ihekwaba, Nzeribe; Mendez, Victoria; Min, Barnaby; Gomez, Marta; Menendez, Kirk R  
**Subject:** FW: City of Miami - Library Advisory Board Appointments

Good afternoon Mr. Haber,

Please find below the response issued from Assistant County Attorney Richard Seavey regarding the Miami Dade County Public Library Advisory Board appointment process. Thank you.

---

**From:** Seavey, Richard (CAO) [<mailto:SEAVEY@miamidade.gov>]  
**Sent:** Friday, April 17, 2015 4:26 PM  
**To:** Harris, Rondrea S. [MDPLS]; Menardy, Alicia T.  
**Cc:** Pena-Duarte, Moraima (CAO); 'cbrarian@bellsouth.net'; 'cgudaitis@vpl-law.com'; Thomas, Daniel E.; 'mvelez@velezlawoffices.com'; Gia Arbogast  
**Subject:** RE: City of Miami - Library Advisory Board Appointments

To all:

Let me clarify. Since there are 3 vacancies, up to nine names can be submitted to the City Commission. If the Advisory Board is only able to submit 7 because other names are unacceptable to it, or the applicants simply don't exist, then the 7 names can be submitted. In either case the City Commission would then pick its top three choices to send on to the County Board of Commissioners.

Richard C. Seavey  
Assistant County Attorney  
111 N.W. First St., Ste. 2810  
Miami, Florida 33128  
Tel: (305) 375-3325  
Fax: (305) 375-5634

---

**From:** Rondrea Harris [<mailto:harrisr@mdpls.org>]  
**Sent:** Friday, April 17, 2015 4:20 PM  
**To:** Menardy, Alicia T. ([ATMenardy@miamigov.com](mailto:ATMenardy@miamigov.com))  
**Cc:** Seavey, Richard (CAO); Pena-Duarte, Moraima (CAO); 'cbrarian@bellsouth.net'; 'cgudaitis@vpl-law.com'; Thomas, Daniel E.; 'mvelez@velezlawoffices.com'; Gia Arbogast  
**Subject:** City of Miami - Library Advisory Board Appointments

Hi Alicia:

I spoke with Assistant County Attorney Richard Seavey regarding the City of Miami's Library Advisory Board appointments. Mr. Seavey confirmed that since the City of Miami's Library Board is abolished, the Library Advisory Board shall submit (3) names for each vacancy to the City of Miami. Since the Library Advisory Board has (3) City of Miami vacancies, a total of (9) candidates are needed to fill the vacancies. At the April 15<sup>th</sup> Library Advisory Board meeting, (2) City of Miami candidates; Ms. Arva Moore Parks and Ms. Jacqueline M. Zelman were nominated and approved by the board. Per our previous conversation, the City of Miami has selected the names of (3) candidates; Ms. Lynn Summers who currently serves on the Friends' of the Library Board of Trustees, Mr. Kevin Kirwin and Ms. Vanessa Acosta.

I've attached the resumes for Ms. Arva Moore Parks and Ms. Jacqueline M. Zelman and *Sec. 2-195. Membership; vacancies; qualifications; term* of the Miami-Dade County Public Library Advisory Board Ordinance. Can you please forward me the resumes for Ms. Lynn Summers, Mr. Kevin Kirwin and Ms. Vanessa Acosta so that I can forward them to the Library Advisory Board's nominating committee for their review?

As of today, there's a compiled total of (5) selected candidates; a total of (9) are needed to fill the 3 vacancies.

Sincerely,

**Rondrea S. Harris, Sr. Executive Secretary**  
Office of Gia Arbogast, Interim Director  
Library Advisory Board  
**Miami-Dade Public Library System**  
(305) 375-5026  
(305) 375-5545 Fax  
[www.mdpls.org](http://www.mdpls.org)



---

**From:** Centorino, Joseph (COE)  
**Sent:** Wednesday, May 13, 2015 4:30 PM  
**To:** Diaz-Greco, Gilma M. (COE)  
**Subject:** Attachments to INQ 15-85  
**Attachments:** Library Advisory Board - Ordinance Article XXII.pdf; Certificate of Incorporation.pdf

---

**From:** Rondrea Harris [<mailto:harrisr@mdpls.org>]  
**Sent:** Tuesday, April 28, 2015 1:47 PM  
**To:** Centorino, Joseph (COE)  
**Cc:** Thompson, Robert A. (COE); Gia Arbogast  
**Subject:** RE: Conflict

Good afternoon Mr. Centorino:

The Library Advisory Board and Friends' of the Library represent the MDPLS's interest with the community and are an active and informed base of library champions who advocate at the county, state and national levels on behalf of the interests of the Miami-Dade Public Library System and the people it serves. The Friends' is a not for profit corporation and provide supplementary funds that help make possible many of the Library's educational and cultural programs. At times board members attend each other's quarterly and monthly meetings. For your review I've attached the County Board Ordinance and the Friends' Certification of Incorporation.

**Mission of the Library Advisory Board:** The Mission of the Library Advisory Board of the Miami-Dade Public Library System is to furnish information, advice and counsel to the Mayor and Board of County Commissioners of Miami-Dade County with respect to the appropriate means and methods by which adequate public library facilities and services may be provided on a sound financial basis for the use and benefit of all residents within the Library System's taxing district

**Mission of the Friends' of the Library:** The mission of the Friends of the Miami-Dade Public Library is to promote library excellence by advocating, volunteering and raising funds for special educational and cultural programs as specifically approved by the Miami-Dade Public Library System and the Friends.

Please let me know if you need any additional information.

Sincerely,

Rondrea

---

**From:** Centorino, Joseph (COE) [<mailto:CENTORI@miamidade.gov>]  
**Sent:** Monday, April 27, 2015 3:36 PM

**To:** Rondrea Harris

**Subject:** Conflict

I would need to know a little more about the two boards, what their jurisdiction and powers are, and whether there are any interactions between the boards, any common issues, in order to render an opinion.

*Joseph M. Centorino*

Executive Director and General Counsel

Miami-Dade Commission on Ethics and Public Trust

19 W. Flagler Street, Suite 820

Miami, FL 33130

Tel: (305) 579-2594

Fax: (305) 579-0273

[ethics.miamidade.gov](http://ethics.miamidade.gov)

