

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, June 20, 2017 10:32 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** M. David McGriff, Director, Advocate Program, Prospective Appointee to Miami-Dade County Public Safety Coordinating Council Committee (Sunshine Law, F.S. 286.011)  
INQ 17-159

INQ 17-159 McGriff

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**From:** M. David McGriff [mailto:mdmphd@advocateprogram.org]  
**Sent:** Tuesday, June 20, 2017 6:30 AM  
**To:** Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; 'HT Smith' <ht@htsmithpa.com>  
**Cc:** Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Hochstadt, Jennifer (CAO) <Jennifer.Hochstadt@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>; Isabel Perez-Morina <ipmorina@advocateprogram.org>; 'Richard DeMaria' <rdemaria@pdmiami.com>  
**Subject:** RE: INQ 17-159 M. David McGriff, Director, Advocate Program, Prospective Appointee to Miami-Dade County Public Safety Coordinating Council Committee (Sunshine Law, F.S. 286.011)

Mr. Centorino. Thank you so much for your timely opinion. It is greatly appreciated.

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**From:** Centorino, Joseph (COE) [mailto:Joseph.Centorino@miamidade.gov]  
**Sent:** Monday, June 19, 2017 5:43 PM  
**To:** M. David McGriff; 'HT Smith'  
**Cc:** Turay, Radia (COE); Perez, Martha D. (COE); Diaz-Greco, Gilma M. (COE); Hochstadt, Jennifer (CAO); Sanchez, Gerald (CAO); Kirtley, Eddie (CAO)  
**Subject:** INQ 17-159 M. David McGriff, Director, Advocate Program, Prospective Appointee to Miami-Dade County Public Safety Coordinating Council Committee (Sunshine Law, F.S. 286.011)

Dear Dr. McGriff:

Thanks for taking the time to speak with me about the potential issues connected to your prospective appointment to the Public Safety Coordinating Council Committee (PSCCC). This opinion was requested by Attorney HT Smith, who represents the Advocate Program, the private non-profit entity of which you are the Director. Based upon the position you hold with the Advocate Program and its contractual relationship with Miami-Dade County, you serve as the head of County Misdemeanor Probation, although you are not yourself a County employee.

It is my understanding that the PSCCC is a committee of the Miami-Dade County Criminal Justice Council, a County Advisory Committee jointly created by the County and the City of Miami formed to encourage and facilitate coordination and cooperation between and among the various agencies of the Criminal Justice System in Miami-Dade County. The members of the PSCCC may include other members of the Criminal Justice Council, but also members from outside that Council. There is statutory basis (Section 951.26(i) for the appointment of an individual such as yourself, head of County Misdemeanor Probation, to this committee.

Attorney HT Smith inquired concerning whether your appointment to the PSCCC would preclude you from contributing to or consulting with the Miami-Dade Reentry Council in connection with your work at the Advocate Program. The Reentry Council, like the PSCCC, is a committee of the Miami-Dade Criminal Justice Council. The Reentry Council is

charged with planning and coordinating services connected to the re-entry of individuals from the Criminal Justice System into the community. It collaborates at times with the PSCCC in the development of a comprehensive local re-entry plan, as well as analyzing state and federal grant programs for the same purposes and making recommendations to the Criminal Justice Council. As with the PSCCC, the Reentry Council has members who serve on the Criminal Justice Council and its committees (including the PSCCC), although it also has members who are not also members of the other boards. Given the statutory authority for someone in your position to be a member of the PSCCC, I see no reason to expect a voting conflict or other conflict of interest under the County Ethics Code that would create an obstacle to your serving on the PSCCC. Obviously, if, however unlikely, a matter were to present itself to the PSCCC that could have an impact on your employment at the Advocate Program, you should seek an ethics opinion before participating in such a matter.

The real underlying issue here is whether your service on the PSCCC would create Sunshine Law problems for you and members of the Reentry Council, with which you regularly consult in your position as Director of the Advocate Program. You are aware that, as a member of a public board, you are prohibited under the Sunshine Law (Section 286.011, F.S.) from having private conversations with other board members about matters that will foreseeably come before the board on which both you and that member sit. See *Hough v. Stembbridge*, 278 So. 2d 288 (Fla. 3<sup>rd</sup> DCA 1973). This could create an issue if you were to speak privately with a fellow board member of the PSCCC in your role as Advocate Program Director about an issue coming before the PSCCC. You would obviously avoid such situations. The potential problem lies in the fact that other board members of PSCCC may also be members of the Reentry Council, with whose members you acknowledge regularly interacting in your Advocate Director role. You have assured me that the matters on which you consult with Reentry members are not those that come before the PSCCC. Since you would not yourself be a member of the Reentry Council, there would be no prohibition against your consulting privately with members of the Reentry Council, as long as those you consult with are not fellow members of the PSCCC AND the matter under discussion is not an issue that would foreseeably come before the PSCCC.

With these guidelines in mind, it is my opinion that you may accept appointment to the PSCCC; and that you may continue to consult with members of the Reentry Council; with the caveat that you should scrupulously avoid private conversations with any member of the Reentry Council who also happens to be a member of the PSCCC, where the issue under discussion could foreseeably come before the PSCCC. You may feel free to consult with us in any situation that may be of concern to you.

Sincerely,  
Joe Centorino

*Joseph M. Centorino*

Executive Director and General Counsel  
Miami-Dade Commission on Ethics and Public Trust  
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**From:** HT Smith [<mailto:ht@htsmithpa.com>]  
**Sent:** Thursday, June 08, 2017 11:11 AM  
**To:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Cc:** M. David McGriff <[mdmphd@advocateprogram.org](mailto:mdmphd@advocateprogram.org)>  
**Subject:** Re: Advocate Program - Ethics Opinion

Joe,

Attached is information that my Dr. McGriff has provided regarding both of the relevant organizations. I am hopeful that this will give you the information that you need to provide the Ethics Opinion requested.

Please confirm receipt.

**Thank you** in advance for your cooperation.

ht smith  
Atty. for Advocate Program

On Wed, Jun 7, 2017 at 3:49 PM, Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)> wrote:

HT,

Always good to hear from you. I will need to get a little more information about both entities to determine what possible conflicts could occur. If either you or Mr. McGriff can inform me more fully about them, it would be very helpful.

Joe

*Joseph M. Centorino*

Executive Director and General Counsel

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**From:** HT Smith [mailto:[ht@htsmithpa.com](mailto:ht@htsmithpa.com)]  
**Sent:** Wednesday, June 07, 2017 2:14 PM  
**To:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Cc:** M. David McGriff <[mdmphd@advocateprogram.org](mailto:mdmphd@advocateprogram.org)>  
**Subject:** Advocate Program - Ethics Opinion

Joe,

I hope this email finds you doing well and feeling well. I am writing you in my capacity as attorney for the Advocate Program. The president and CEO of the Advocate Program is M. David McGriff. The ethical question that we need answered is as follows:

*"If M. David McGriff gets appointed to the Public Safety Committee, does that preclude him from contributing to or consulting with Miami-Dade County's Reentry Council?"*

**Thank you** in advance for your anticipated cooperation and timely ethics opinion.

ht smith

Atty. for the Advocate Program