

Ethics (COE)

From: Ethics (COE)
Sent: Tuesday, February 21, 2006 5:17 PM
To: 'jldemps@bellsouth.net'
Subject: RE: Conflict of Interest

Mr. Demps,

The fact that your wife has no involvement with the CDC does not necessarily mean that she can vote on matters relating to the CDC. As I stated in a prior e-mail, if you stand to financially benefit as a result of her vote, then she would have a voting conflict regardless of her ties, or lack of ties, to the CDC. If no benefit accrues to you as a result of her vote, then no conflict is created. Assuming you receive no benefit from any funding allocation to your CDC, there is no legal reason for your spouse to recuse herself. However, from any appearance standpoint, how is it perceived if you wife votes to support the funding of your CDC? It is not a violation of the ethics code, based on the facts you gave me in an earlier e-mail, but simply is a concern about whether the decision to award funds to competing agencies and organizations has been done fairly and objectively.

I hope this helps. If not, please contact me at your earliest convenience.

Sincerely,

Robert Meyers

-----Original Message-----

From: jldemps@bellsouth.net [mailto:jldemps@bellsouth.net]
Sent: Friday, February 17, 2006 9:57 PM
To: Ethics (COE)
Subject: Conflict of Interest

Mr. Meyers,

Can you give me more detail on my wife's relationship (voting, recusal and perceived conflicts/bias) as far as the CDC is concerned? She is not a member, does not sit on the board, nor is she compensated by the CDC in any capacity.

Thanks

Mr. Demps

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> From: "Ethics \ (COE\)" <ethics@miamidade.gov>
> Date: 2006/02/13 Mon PM 02:13:09 EST
> To: "JL Demps" <jldemps@bellsouth.net>
> Subject: RE: Conflict of Interest
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> Mr. Demps,
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> I am in receipt of your request for opinion and I am also in
> possession of the Community Advisory Committee's Policies Manual,
> which has a section identified as Conflict of Interest. Please be
> advised that our office has no legal authority to interpret this section of the manual.
> Our analysis is limited to the County Conflict of Interest and Code of
> Ethics Ordinance. My understanding of the facts is that you and your
> wife serve on a Community Advisory Committee and the Committee is
> currently considering funding requests from community groups,
> including a CDC which you chair. It isn't clear from your request
> whether the Optimist Club, where you serve as President and your wife
> serves as Executive Director, is requesting funding for the Community
> Advisory Committee.

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> In order for a conflict to exist under the County Code of Ethics
> Ordinance, you must have a special relationship with one of the
> applicants and you must also be directly affected in your private
> capacity by the decision of the board/committee. In your case, the
> special relationship exists with respect to both the CDC and the
> Optimist Club on account of the fact you are the chair and president,
> respectively. However, based on your assertions that you do not draw
> a salary from either position, I conclude that there is no voting
> conflict as defined in the County Ethics Ordinance.

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> Regarding your wife, if she receives a salary from the Optimist Club
> in her capacity as Executive Director/Consultant and any portion of
> her salary or consulting fees are paid for by the grant money that the
> Community Advisory Committee awards, then the two of you would have a
> conflict of interest that would bar both of you from voting on any
> allocations to the Optimist Club. If, however, she does not draw a
> portion of her salary from the Community Advisory Committee grant
> process, then neither of you would have a voting conflict as defined
> in the County Code.

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> Having found no conflict of interest, I believe you ought to be aware
> of another provision in the Code of Ethics addressing conflicting
> relationships that could impair one's independence of judgment in
> performance of his/her official duties. Although I stated I find no
> legal conflict if you and your spouse participate in and vote on
> funding decisions that affect your CDC and Optimist Club that you
> specify in your request, I believe it creates a perception of bias and favoritism.
> Therefore, I would recommend against you and your wife voting on
> funding decisions relative to the abovementioned agencies.

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> If you wish to discuss the above in greater detail, please feel free
> to contact me at your convenience.

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> Sincerely,

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> Robert Meyers, Executive Director
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> Miami-Dade Commission on Ethics and Public Trust

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> _____
> From: JL Demps [mailto:jldemps@bellsouth.net]
> Sent: Friday, February 10, 2006 1:00 PM
> To: Ethics (COE)
> Subject: Conflict of Interest

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> Robert Meyer,

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> I serve on a community advisory committee along with my wife and we

> are seeking an opinion on recusal issues.
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> I am the Chair of a CDC which receive funding from OCED and I am
> President of an Optimist club that also receive funding from various
> County Grant Programs. My wife serve as Executive Director/Consultant
> of the Optimist Club and is a non-Board member.
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> Neither my wife nor I receive salaries from the grant monies.
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> The work of these two entities are for the benefit of the community
> and have no individual or personal benefits for my wife or myself.
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> On the community advisory committee that we serve on; once a year is
> asked to make a decision on money allocation for community groups who
> are requesting the community dollars. The CDC is one of the eligible
> group that can request to be funded. Wherein their are many groups
> that can request funding from these monies our question is to gain
> clarity on what limitation we should recuse ourselves from these
> discussions and deliderations.
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> Keep in mind that my wife is not a Board member of the Optimist Club
> nor of the CDC and she does not receive a salary from grants funds
> from CAA or OCED.
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> Please respond as expeditiously as possible.
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Ethics (COE)

From: Ethics (COE)
Sent: Monday, February 13, 2006 2:13 PM
To: 'JL Demps'
Subject: RE: Conflict of Interest

Mr. Demps,

I am in receipt of your request for opinion and I am also in possession of the Community Advisory Committee's Policies Manual, which has a section identified as Conflict of Interest. Please be advised that our office has no legal authority to interpret this section of the manual. Our analysis is limited to the County Conflict of Interest and Code of Ethics Ordinance. My understanding of the facts is that you and your wife serve on a Community Advisory Committee and the Committee is currently considering funding requests from community groups, including a CDC which you chair. It isn't clear from your request whether the Optimist Club, where you serve as President and your wife serves as Executive Director, is requesting funding for the Community Advisory Committee.

In order for a conflict to exist under the County Code of Ethics Ordinance, you must have a special relationship with one of the applicants and you must also be directly affected in your private capacity by the decision of the board/committee. In your case, the special relationship exists with respect to both the CDC and the Optimist Club on account of the fact you are the chair and president, respectively. However, based on your assertions that you do not draw a salary from either position, I conclude that there is no voting conflict as defined in the County Ethics Ordinance.

Regarding your wife, if she receives a salary from the Optimist Club in her capacity as Executive Director/Consultant and any portion of her salary or consulting fees are paid for by the grant money that the Community Advisory Committee awards, then the two of you would have a conflict of interest that would bar both of you from voting on any allocations to the Optimist Club. If, however, she does not draw a portion of her salary from the Community Advisory Committee grant process, then neither of you would have a voting conflict as defined in the County Code.

Having found no conflict of interest, I believe you ought to be aware of another provision in the Code of Ethics addressing conflicting relationships that could impair one's independence of judgment in performance of his/her official duties. Although I stated I find no legal conflict if you and your spouse participate in and vote on funding decisions that affect your CDC and Optimist Club that you specify in your request, I believe it creates a perception of bias and favoritism. Therefore, I would recommend against you and your wife voting on funding decisions relative to the abovementioned agencies.

If you wish to discuss the above in greater detail, please feel free to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust

From: JL Demps [mailto:jldemps@bellsouth.net]
Sent: Friday, February 10, 2006 1:00 PM
To: Ethics (COE)
Subject: Conflict of Interest

Robert Meyer,

I serve on a community advisory committee along with my wife and we are seeking an opinion on recusal issues.

I am the Chair of a CDC which receive funding from OCED and I am President of an Optimist club that also

2/13/2006

receive funding from various County Grant Programs. My wife serve as Executive Director/Consultant of the Optimist Club and is a non-Board member.

Neither my wife nor I receive salaries from the grant monies.

The work of these two entities are for the benefit of the community and have no individual or personal benefits for my wife or myself.

On the community advisory committee that we serve on; once a year is asked to make a decision on money allocation for community groups who are requesting the community dollars. The CDC is one of the eligible group that can request to be funded. Wherein their are many groups that can request funding from these monies our question is to gain clarity on what limitation we should recuse ourselves from these discussions and deliderations.

Keep in mind that my wife is not a Board member of the Optimist Club nor of the CDC and she does not receive a salary from grants funds from CAA or OCED.

Please respond as expeditiously as possible.

Ethics (COE)

From: JL Demps [jldemps@bellsouth.net]
Sent: Friday, February 10, 2006 1:00 PM
To: Ethics (COE)
Subject: Conflict of Interest

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Keep in mind that my wife is not a Board member of the Optimist Club nor of the CDC and she does not receive a salary from grants funds from CAA or OCED.

Please respond as expeditiously as possible.

2/10/2006

Robert Meyer,

I serve on a community advisory committee along with my wife and we are seeking an opinion on recusal issues.

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Keep in mind that my wife is not a Board member of the Optimist Club nor of the CDC and she does not receive a salary from grants funds from CAA or OCED.

Please respond as expeditiously as possible.

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Committee member appear before official public bodies, as a representative of the Advisory Committee (i.e. County Commission, City Commission, School Board, etc.) unless authorization to represent the Advisory Committee has been voted upon by a majority of the Community Advisory Committee. Any willful violation of the provisions of this section by a member of the Advisory Committee will be grounds for recall.

W. CONFLICT OF INTEREST

Any member who holds a board position or is employed by any agency receiving funds from CAA or OCED shall be able to retain or run for a position on a Community Advisory Committee as long as the following conditions are adhered to:

- A member must recuse him/herself and physically leave the room while any discussion arises that involves funding decisions related to that agency or any discussion about that agency in general.
- The records of the meeting must reflect the above-required actions of the member.

An Advisory Committee member whose immediate family receives a financial benefit or serves as a Board member of an organization that may benefit as a result of action before that Advisory Committee will make known that interest and must refrain from voting and follow the process for recusing him/herself from the meeting.

The CAC Chairperson shall automatically remove any member found to have violated the conflict of interest policy. In the event the Chairperson is the member who has violated the policy, the next highest-ranking Committee member shall remove the Chairperson and thereby follow Part III – Community Advisory Committee Guidelines, Section B – Types of Membership to govern the Committee.

X. RECALL OF A MEMBER

Recall is a two-step process.

1. Community Advisory Committee Recommendation for a Hearing and;
2. A Binding Hearing.

- A Target Area/NRSA stakeholder may initiate a recall of a member of the Community Advisory Committee for malfeasance or misconduct. Allegations of malfeasance and misconduct must be supported by concrete evidence.