

INQ 00-17

August 23rd, 2000

Mr. Robert Myers
Ethics Commission
Miami-Dade County
Florida

VIA FACSIMILE

Dear Mr. Myers:

Pursuant to our telephone conversation today, I am writing to request a written opinion on the following matter:

I am the Executive Director of St. Thomas University Human Rights Institute and part of our mission is to provide free immigration legal services to indigent immigrants. We receive funding from the Miami-Dade County Commission and also from the Florida Department of Children and Families' Entrant Program, which also funds the Public Health Trust (PHT).

I am a volunteer member of the Public Health Trust. According to the pertinent Miami-Dade County ordinance, the PHT appointed me to the Health Policy Authority. At the last PHIT meeting in July, the Chair appointed me to a one-person immigration policy committee to explore certain allegations made by other community organizations regarding PHT policies and procedures that deal with poor immigrants. Because of my professional experience in the immigration field and immigration-related matters with poor immigrants in Miami-Dade County, I come in close contact with many agencies that also deal with the poor. In the instant case, the ACLU is one of the entities that may be interested in filing a complaint against the PHT due to these alleged discriminatory or "misguided" policies and procedures that are being applied by the PHT to undocumented immigrants. I am a Board member of the ACLU as well. Although not active, I am at least in theory part of the Miami-Dade ACLU Chapter. I did not know that the ACLU was involved until I read about it in the paper. I have not attended any of their meetings regarding this matter nor was I consulted about it either.

Today for the first time, I was officially involved by phone in good-faith negotiations with representatives from Florida Legal Services, the ACLU and PHT staff, among others. My concern is that I have scheduled a public meeting with the Health Policy Authority concerning this problem on July 31st, and I am greatly disturbed about a possible conflict of interest issue. Where do my responsibilities and obligations to each of the four different entities start and end, particularly when they might be at odds with each other?

Due to the urgency of this matter, I respectfully request that you please reply in writing as soon as possible.

Sincerely,


Maria R. Dominguez, Esq.

*** TX REPORT ***

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 Phone: (305) 579-2594
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Miami-Dade County
 Commission on Ethics
 and Public Trust

Fax

To: María Dominguez From: Robert Meyers

Fax: (305) 628-6742 Pages: 3, including cover sheet

Phone: _____ Date: 8/31/00

Re: Ethics Opinion CC: _____

Urgent For Review Please Comment Please Reply Please Recycle

Per our discussion.

Robert Meyers

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Robert Meyers

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ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

August 31, 2000

Maria R. Dominguez, Esq.
Executive Director
St. Thomas University
Human Rights Institute
16400 N.W. 32 Avenue
Miami, FL 33054

Re: Request for Opinion

Dear Ms. Dominguez:

Thank you for your fax dated August 23, 2000. Per your request, I am furnishing you a written reply before your board meeting this afternoon.

I find that a conflict of interest exists if you continue to serve on the boards of the Public Health Trust and the Miami-Dade Chapter of the ACLU. I reach this conclusion based on the facts you set forth in your letter. Specifically, you state that your mission with the Human Rights Institute is to provide free immigrations services to indigent immigrants. Additionally, you indicate that you are a member of the Public Health Trust and a board member, albeit an inactive one, with the ACLU. Finally, you state that the local chapter of the ACLU is contemplating filing a lawsuit against the Public Health Trust due to what you describe as allegedly discriminatory or misguided policies and procedures being applied by the Public Health Trust to undocumented immigrants.

As a member of the Public Health Trust you are bound by the Miami-Dade County Code of Ethics and Conflict of Interest Ordinance, Code Section 2-11.1. Three subsections of the Code apply to the facts of this case; (d), (g) (h). Subsection (d) prevents County Commissioners and Public Health Trust members from voting on or participating in matters where the decision-maker is faced with a conflict of interest. Subsection (g) prohibits public officials from exploiting their official position to secure special privileges and exemptions. Lastly, subsection (h) bars public officials from disclosing confidential information acquired by the individual gained or garnered through the individual's official position.

If the ACLU goes forward with its lawsuit it creates three potential problems for you: 1) a conceivable voting conflict in the event the item comes before the Trust; 2) a perception that you could exploit your official position based on the manner in which the Trust handles the case and 3) a concern that you are or could be privy to confidential information as an individual who sits on both boards. For all of these reasons, it would be improper for you to continue to serve on both boards.

Please understand that I do not have the formal legal authority to issue you an official opinion; such authority is reserved to the Ethics Commission, which makes its determinations at our regular monthly meetings. However, after consulting with the General Counsel for the Ethics Commission, I can offer you the above "unofficial or informal" opinion.

Please contact me if you wish to discuss this matter in greater detail.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Meyers", followed by a long horizontal flourish.

Robert Meyers
Executive Director

ST. THOMAS UNIVERSITY
HUMAN RIGHTS INSTITUTE
16400 N.W. 32 Avenue
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facsimile transmittal

To: Robert Myers Fax: (305) 579-2656
 From: MARIA R. DOMINGUEZ Date: 8/23/00
 Re: FHT Pages: 2 including cover page
 CC:

- Urgent For Review Please Comment Please Reply Please Recycle

Please Respond as soon as possible
(305) 628-6737 phone
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e-mail: mdomingu@stu.edu

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