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STAFF GENERAL COUNSEL

May 1, 2006

Zafar Ahmed  
Director  
Community Development Division  
Office of Community and Economic Development  
140 West Flagler Street  
Suite 1000  
Miami, FL 33130

**RE: REQUEST FOR ADVISORY OPINION 06-35**

Dear Mr. Ahmed:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 27, 2006 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any possible conflicts created by dual board membership. The board members of the CAMACOL Loan Fund also serve as board members of CAMACOL. The contract between CAMACOL Loan Fund and OCED provides that board members are covered by the Conflict of Interest and Code of Ethics ordinance.

In your letter, you advised the Commission that CAMACOL, the Latin-American Chamber of Commerce, has been in existence for over twenty years. CAMACOL seeks to promote Hispanic businesses in the community and across the nation. In 1999, CAMCACOL established the CAMACOL Loan Fund. The CAMACOL Loan Fund provides start up funding

to small businesses. CAMACOL Loan Fund receives community development block grant funding from OCED.

The President and Treasurer of CAMACOL serve on the boards of both entities. CAMACOL Loan Fund leases office space from CAMACOL for a monthly rent of two thousand dollars.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits CAMACOL Loan Fund board members to simultaneously serve on the board of CAMACOL as long as the board members do not take any action that personally financially benefits themselves or others. Section 2-11.1(g) prohibits any person covered by the Conflict of Interest ordinance from using his or her official position to benefit themselves or others. Section 2-11.1(n) (Actions prohibited when financial interests involved) prohibits board members from making decisions affecting a business in which he or she or any member of his immediate family has a financial interest. Immediate family is defined in the ordinance as spouse, parents and children. Similarly, Section 2-11.1(v) (Voting Conflicts-Board Members) prohibits board members from voting on matters where if the board member will be directly affected by the action of the board and board member serves as an officer, director or employee of the person or entity seeking action from the board.

The lease agreement does not violate the provisions of the Miami-Dade County Conflict of Interest and Code of Ethics ordinance because the board members do not personally profit or benefit from the lease agreement between CAMACOL and the CAMACOL Loan Fund.

The articles of incorporation of both organizations provide "that no part of the net earnings of the Corporation shall inure

to the benefit of or be distributable to its directors, officers or other private persons except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of any of its purposes." Therefore, CAMACOL board members are not permitted by the terms of the articles of incorporation from financially benefiting from the lease agreement.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,



ROBERT MEYERS  
Executive Director

cc: Shannon Sommerset, Assistant County  
Attorney