



FILE COPY

ETHICS COMMISSIONERS

Kerry E. Rosenthal, Chairperson
Dawn E. Addy, Vice Chairperson
Magda Abdo-Gomez
Regine Monestime
Seymour Gelber

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

March 27, 2008

Jose Fabregas
6831 S.W. 92nd Court
Miami, FL 33173

RE: REQUEST FOR ADVISORY OPINION RQO 08-10

Dear Mr. Fabregas:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 26, 2008 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts between your service as a former Vice-President of Greater Miami Neighborhoods (GMN) and your work as a consultant for Palermo Lakes, Inc. Palermo Lakes, Inc. is a grant recipient of the Office of Community and Economic Development (OCED). Pursuant to Palermo's contract with Miami-Dade County, the company is bound by the Conflict of Interest and Code of Ethics ordinance.

In your request, you advised the Commission that in 2002, the Board of County Commissioners awarded GMN a grant to develop the Palermo Lakes Apartments. The development consists of a one hundred and ten unit apartment building for low and moderate income residents. The construction and maintenance of the property would be undertaken by Palermo Lakes, Inc. Subsequently, in 2006, the BCC granted an additional two million dollars to Palermo Lakes, Inc. for the development of the

property. At that time, you were a Senior Vice-President of GMN and listed as one of the principals of GMN.

In 2007, GMN suffered a series of financial setbacks and sought bankruptcy protection. Due to the corporation's financial difficulties, GMN terminated your employment. Palermo Lakes hired you to serve as Senior Consultant to oversee the construction of the Palermo Lakes Development.

In January of this year, Miami-Dade County began the process of transferring GMN developments that have received County funding to other affordable housing developers. Since the County is seeking to protect itself from any additional exposure, the County is delaying payment of administrative funds to you for your work for Palermo Lakes, Inc.

The Commission found that the Ethics Commission does not have jurisdiction over you in your capacity as a consultant for Palermo Lakes, Inc. The Conflict of Interest provision contained in the contract between Palermo Lakes, Inc. and Miami-Dade County only extends to the Contractor and its officers and directors. The provisions do not extend to consultants and employees of the contractor. Since you are not an officer or director of Palermo Lakes, Inc., you are not governed by the Conflict of Interest ordinance. Moreover, although your contract with Palermo Lakes contains a Conflict of Interest provision, the contract does not require you to abide by the requirements of the Conflict of Interest ordinance. Accordingly, the Conflict of Interest ordinance does not extend to you and you are not under the jurisdiction of the Ethics Commission.

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,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS
Executive Director

cc: Shannon Sommerset, Assistant County
Attorney

John Prats, Office of Community and
Economic Development