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ETHICS COMMISSIONERS

March 27, 2008

Kerry E. Rosenthal, Chairperson
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Timothy Ryan
Director

Department of Corrections and Rehabilitation
2525 N.W. 62nd Street
Miami, FL 33147

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

RE: REQUEST FOR ADVISORY OPINION RQO 08-12

ARDYTH WALKER
STAFF GENERAL COUNSEL

Dear Mr. Ryan:

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 whether Dr. Jose Hernandez, Commander of Chaplaincy Services Bureau, may provide services to children of inmates under a Children's Trust grant.

In your request, you advised the Commission that Hernandez is Executive Director of Agape Family Ministries ("Agape"). Agape is one of a consortium of agencies that form the Service Network for Children of Inmates. Specifically, the service network provides assistance with supervised visitation between children and inmates, counseling and educational support and training for corrections personnel regarding the special needs of children of inmates. The grant provides that a Corrections Liaison will serve as the primary contact between Corrections and the Service Network. The person will train corrections personnel in dealing with children's issues, develop an intake system for determining which inmates

have children and assist with development of brochures, training materials and news releases related to the program. The person will report directly to Hernandez as Executive Director of Agape or his designee.

As Commander of Chaplaincy Services, Hernandez' duties include supervising the chaplains of the various correctional facilities, overseeing the bureau budget, supervising volunteer training and outreach and developing policies and procedures for the bureau.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits Dr. Hernandez to serve as Executive Director of Agape and as Commander of the Chaplaincy Bureau. Section 2-11.1(j) provides that no employee "shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties." Dr. Hernandez' duties as Executive Director of Agape should not impair his independence of judgment in the performance of his public duties for the Department of Corrections.

Although Hernandez serves the inmate population in both his positions, the Chaplaincy Commander position is primarily administrative in nature and involves infrequent ministering to individual inmates. Although the chaplaincy position does involve developing training programs for volunteers, including officials from South Florida Jail Ministries and the Service Network, the actual training and supervision of volunteers is done through other members of the Chaplaincy Bureau staff. Further, the majority of inmate counseling and work with children of inmates in Miami-Dade County Correctional facilities is done by Agape staff under the supervision of Agape directors. Therefore, serving as Director of Agape and South Florida Jail Ministries should not interfere with Dr. Hernandez'

independence of judgment in the performance of his duties as Chaplaincy Commander.

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 this opinion, please call the undersigned at (305) 579-2594 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