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July 9, 2008

David Raymond
Executive Director
Miami-Dade County Homeless Trust
111 N.W. First Street
Suite 27-310
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION 08-30

Dear Mr. Raymond:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 8, 2008 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts between Commissioner Dorrin Rolle's service as a member of the Board of Directors for the James E. Scott Community Association (JESCA) and the Homeless Trust awarding funds to JESCA to provide residential substance abuse services to homeless individuals.

In your request, you advised the Ethics Commission that JESCA currently serves as a subrecipient of US HUD funds provided to Miami-Dade County to provide supportive housing for homeless persons with substance abuse problems. JESCA operates a residential treatment program for adult men. The program currently serves thirty-five men and provides counseling, educational and vocational training, job placement services and assistance with locating permanent housing.

US HUD funds the Supportive Housing Program through federal grants provided to local communities. The Homeless Trust, as an agent for Miami-Dade County, applies for the funding through the grant process. The Board of County Commissioners approves the application for the federal grant dollars.

The Homeless Trust awards the grant funds through a Request for Application (RFA) process. The RFA process is approved by the Board of County Commissioners. The Board of County Commissioners is not involved in selection of the providers or subrecipients for the grant funds. All awards are made by the Homeless Trust Board through a competitive selection process.

Commissioner Rolle currently serves on the Board of Directors for JESCA. As a member of the Board of Directors, Commissioner Rolle is not involved in any aspect of JESCA's request, receipt or expenditure of funds received from the Homeless Trust or any county agency. Further, JESCA is a 501(c)(3) corporation and Commissioner Rolle is not compensated in any way for his service on JESCA's Board of Directors.

The Ethics Commission found The Conflict of Interest and Code of Ethics ordinance permits Commissioner Rolle to serve as member of JESCA's Board of Directors and JESCA to receive funds from the Homeless Trust. Commissioner Rolle does not financially benefit in any way from the Homeless Trust grant to JESCA. Further, Commissioner Rolle does not vote on any matters which affect JESCA's funding by the Homeless Trust.

Commissioner Rolle does not participate in any official action that directly affects JESCA. Section 2-11.1(n) provides that no Commissioner "shall participate in any official action directly or indirectly affecting a business in which he or she has a

financial interest." As a member of the Board of Directors, Commissioner Rolle does not have a financial interest in JESCA or its activities. Further, as a County Commissioner, Commissioner Rolle does not participate in any official action that directly or indirectly affects JESCA since the Board of County Commissioners is not involved in any way in the evaluation and award of providers to receive Supportive Housing funding.

Commissioner Rolle does not have a voting conflict in regard to JESCA funding from the Homeless Trust. Section 2-11.1(d) prohibits county commissioners from voting or participating in any way in any matter presented to the Board of County Commissioners if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee fiduciary or beneficiary or (ii) stockholder, bondholder, debtor or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally. The Board of County Commissioners does not vote on any matter that directly or indirectly affects JESCA's funding from the Homeless Trust. Moreover, Commissioner Rolle is not uniquely affected by the ministerial action of applying for federal funds and approving the RFA process. Therefore, Commissioner Rolle does not have a voting conflict in regard to any votes for JESCA.

Finally, Commissioner Rolle does not appear before any County board, either in writing or in person, and seek any action in regard to JESCA. Section 2-11.1(m)(1) provides that "no person included in the terms defined in subsections (b)(1), (5) and (6)

[commissioners, departmental personnel and employees] shall appear before any County Board or agency and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form, for services rendered to a third person, who has applied for or is seeking some benefit from the County or a County agency, in connection with the particular benefit sought by the third person. Nor shall such person appear in any court or before any administrative tribunal as counsel or legal advisor to a part who seeks legal relief from the County or a County agency through the suit in question."

The Ethics Commission has opined that this provision prohibits a covered person from appearing in person or signing applications for funding for any agency seeking action from a county board or the Board of County Commissioners. As a member of JESCA's Board of Directors, Commissioner Rolle does not sign any grant applications or correspondence on behalf of JESCA. Moreover, Commissioner Rolle does not appear in front of the Board of County Commissioners or any county board and seek action on behalf of JESCA.

Therefore, for the reasons enumerated above, Commissioner Rolle does not have a conflict of interest in regard to JESCA's funding from the Homeless Trust.

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

cc: The Honorable Dorrin Rolle, Board of
County Commissioners