

May 1, 2009

Julie Edwards
Executive Director
Community Action Agency
701 N.W. First Court
Miami, FL 33136

RE: REQUEST FOR ADVISORY OPINION RQO 09-17

Dear Mrs. Edwards:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 29, 2009 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether a Head Start contractor may pay rent to a corporation owned by her husband. The Head Start program is located in a facility owned by the husband's corporation.

In your request, you advised the Commission that Our Little Ones Learning Center is a Head Start facility in Little Haiti. The center provides educational, nutritional and health care services to approximately 120 pre-school age children. The center also provides parent education and assistance services. Our Little Ones has contracted with CAA and Miami-Dade County since 2005 to provide these services.

Under federal guidelines, a Head Start facility may receive reimbursement for administrative costs, including rent, for operation of the program. Our Little Ones has received rental reimbursement since it began

contracting with CAA to provide Head Start Services.

According to county records, Our Little Ones's principal place of business is located at 8037 N.E. 2nd Avenue. The owner of the property is Edouard Siclait. Siclait is the spouse of Our Little One's executive director. The county also lists an alternative address, 55 N.W. 59th Street, for Our Little Ones. That property is owned by a corporation of which Siclait is also the Managing Member. Further, until earlier this year, Siclait also served as the sole fiscal agent for the program and handled all financial transactions related to operation of the head start center.

Our Little One's contract with Miami-Dade County contains a Conflict of Interest provision. Article 35(c) provides that " (n) either the delegate agency nor any officer, director, employee, subsidiary or employee shall have an interest which is in conflict with the Agency's faithful obligation under this contract". Federal guidelines state that "Head Start agencies and delegate agencies shall conduct the Head Start program in an effective and efficient manner, free of political bias or family favoritism." A recent federal review found the lease agreement violated this guideline.

The Ethics Commission found Our Little Ones may not receive reimbursement for rental payments made to the Executive Director's spouse or a corporate entity in which the spouse has a controlling financial interest. Our Little One's contract with Miami-Dade County makes the transaction a conflict of interest because an employee of the agency has an interest in conflict with agency's obligation to operate the program in accordance with all applicable regulations. Accordingly, Our Little Ones may not receive direct reimbursement for rental payments made

to the Executive Director's spouse or a corporate entity under the spouse's control.

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,

ROBERT MEYERS
Executive Director