

ETHICS COMMISSIONERS

Kerry E. Rosenthal, CHAIRPERSON
Dawn E. Addy, VICE CHAIRPERSON
Charlton Copeland
Judge Seymour Gelber
Nelson Bellido

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

February 9, 2011

Dr. Franklin Sands
Executive Director
St. Alban's Day Nursery
3465 Booker Street
Coconut Grove, FL 33133

REQUEST FOR ADVISORY OPINION-RQO 11-2

Dear Dr. Sands:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on February 8, 2011 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts created by your wife providing oversight services to the nursery staff and having access to confidential information. Pursuant to the Head Start delegate agency agreement between Miami-Dade County and St. Albans, St. Albans is required to abide by the Conflict of Interest ordinance.

In your request, you advised the Commission that St. Albans Day Nursery provides Head Start services as a delegate agency to Miami-Dade County. You serve as Executive Director of the St. Albans Head Start program. Katherine Sands, a former teacher and wife of the Executive Director, provides volunteer services to the Head Start program. Early last year, the table of organization provided that Mrs. Sands was responsible for internal monitoring, community assessment and self-assessment.

In November of last year, the Director of Head Start for Miami-Dade County informed St. Albans that its organizational chart violated local and federal policies regarding confidentiality and nepotism. In response, St. Albans revised the organizational chart and stated that Mrs. Sands was "providing full-time advisory services to staff and families." St. Albans's guidelines provide that only paid staff may serve in a supervisory capacity. Further, St. Albans stated that because of Mrs. Sands' extensive training in Head Start procedures, she warranted access to confidential information. All Head Start Centers are required to provide a full range of services to children including nutrition, medical referrals and mental health services.


The Ethics Commission found that Mrs. Sands may provide full-time advisory services to St. Albans staff and families but all services must be in accordance with applicable Head Start regulations and St. Alban's internal policies.

Further, Section 2-11.1(g) of the Conflict of Interest ordinance provides that "no person shall use his or her official position to secure special privileges or exemptions for himself or others." In accordance with Section 2-11.1(g) (misuse of official position), you may not use your official position to circumvent policy and permit Mrs. Sands to oversee staff (even in an unofficial capacity) or have access to confidential information not generally provided to volunteers.

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 or Ardyth Walker, Staff General Counsel at (305) 579-2594.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'R. Meyers', with a stylized, flowing script.

ROBERT MEYERS
Executive Director

cc: Jane McQueen, Director of Head Start