

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, September 13, 2018 3:17 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** INQ 18-217 -Kelly Allocco, Projects Administrator, Miami-Dade Department of Cultural Affairs ( Cuban Museum, Inc. Contract, Prohibited Appearances (m)(1))

INQ 18-217 Allocco

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**From:** Perez, Martha D. (COE)  
**Sent:** Thursday, September 13, 2018 3:13 PM  
**To:** Allocco, Kelly K. (CUA) <KELLYA@miamidade.gov>  
**Cc:** Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>  
**Subject:** Kelly Allocco, Projects Administrator, DOCA, RE: re: Cuban Museum, Inc. Contract, Prohibited Appearances (m)(1), INQ 18-217

Dear Kelly,

You inquire whether Maribel Balbin, a County employee, may execute a grant award agreement for a “Targeted Initiatives” (TI) grant from the County’s Department of Cultural Affairs (DOCA). You advise that, upon the County Attorney’s Office review of the Grant Award Agreement, it was discovered that Maribel Balbin, a Special Projects Administrator with the County’s Regulatory and Economic Resources (RER), signed the agreement, however, the agreement has not been fully executed by all parties.

As I understand, DOCA is responsible for awarding hundreds of grants per year. The TI grant program is used to promote and support advances in the artistic, community and educational efforts of the County’s cultural institutions. Cuban Museum Inc., dba The American Museum of Cuban Diaspora (the Museum), is a non-profit organization dedicated to showcasing Cuban cultural heritage. The Museum applied for and was awarded a TI grant in the amount of \$70,000.00. Ms. Balbin serves as secretary in the Museum’s board of directors.

The Conflict of Interest and Code of Ethics Ordinance permits a County employee to receive grant monies as long as the employee does not financially benefit from the funds distributed to his or her non-profit organization. See RQO 05-19, RQO 07-42, INQ 18-100. However, Section 2-11.1(m)(1) of the County Ethics Code prohibits County employees from appearing before any county board or agency and make a presentation on behalf of a third party (the Museum) with respect to a benefit sought by the third party (i.e. grant funding) or from receiving compensation, directly or indirectly or in any form, for services rendered to the third party which is seeking benefit from the County. Consequently, since the Museum is seeking a benefit from the County, Ms. Balbin **may not** engage in the following actions:

- appearing at meetings with County personnel or negotiating terms on behalf of the Museum regarding the TI grant or any other County funding. If any issues or disputes arise between DOCA and the Museum, Ms. Balbin is not permitted to participate in these meetings or disputes. See RQO 05-19, RQO 01-106
- signing any application documents *or funding agreements*. See RQO 08-30, INQ 09-33, INQ 18-100.
- receiving any compensation from TI funding awarded to the Museum. See RQO 05-19 (It is unknown at this time whether Ms. Balbin serves the Museum on a volunteer, uncompensated basis)

This opinion is based on the facts as presented by DOCA personnel. If any of these facts change, please contact us.

Best regards,

**Martha D. Perez**

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

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**From:** Allocco, Kelly K. (CUA)

**Sent:** Wednesday, September 12, 2018 3:59 PM

**To:** Perez, Martha D. (COE) <[Martha.Perez2@miamidade.gov](mailto:Martha.Perez2@miamidade.gov)>

**Subject:** re: Cuban Museum, Inc. Contract

**Importance:** High

Hi Martha,

Thank you so much for your help with this. Attached is a copy of the contract. The last page of the PDF includes the non-profit organization board list, which lists Maribel Balbin as a board member (also a County employee) and she has signed the cover page (Article I), as one of the two signatures on the cover page. She has also signed the affidavits included in the PDF as well. Please contact me if you have additional questions or need additional information. Thank you again for your assistance with this matter.

Kelly

**Kelly Allocco, Projects Administrator**

**Miami-Dade County Department of Cultural Affairs**

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