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December 17, 2009

Daniel T. Brady, Executive Director
Douglas Gardens Mental Health Center of Miami Beach, Inc.
701 Lincoln Rd., 2nd Floor
Miami Beach, FL 33139

Re: INQ 09-192

Dear Dr. Brady:

In a query to our office on December 7, 2009, you asked about potential conflicts of interest that may arise based on your volunteer service as a member of the Miami-Dade Community Based Organization (CBO) Advisory Board and your simultaneous employment as the Executive Director of a 501(c)(3) nonprofit corporation—Douglas Gardens Community Mental Health Center of Miami Beach, Inc. (CMHC).

The Douglas Gardens CMHC is seeking funding through the CBO to support the CMHC's Aftercare Case Management Program. Jim Dyess, Assistant Administrator of Douglas Gardens CMHC, stated that the grant money supports salaries for a case manager and the case manager's supervisor as well as some direct and indirect costs of the program. None of the County grant money allocated for the Aftercare Program supports your salary or any other personal benefits for you.

Your service on the CBO does not prevent the Douglas Gardens CMHC from obtaining financial grants through the CBO as long as two general requisites are met, *i.e.*, you abstain from voting on matters affecting the CMHC under certain conditions and you do not appear before the CBO seeking benefits on behalf of the Douglas Gardens CMHC.

Voting under County Code § 2-11.1 (v).

As a CBO board member, you may not vote on any matter regarding the Douglas Gardens CMHC *if* you are an employee of the Douglas Gardens CMHC *and* you will be *directly* affected by the action of the CBO.

Prohibited appearances and payments under County Code § 2-11.1 (m)(2).

As a CBO board member, you are also prohibited from appearing before the CBO board requesting funding or other benefits for the Douglas Gardens CMHC. This means that you may not attempt to influence your board in any way with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the Douglas Gardens CMHC. Additionally, it would be prudent not to act as the signatory for the Douglas Gardens CMHC on any contracts or other agreements between the Douglas Gardens CMHC and Miami-Dade County or the CBO board.

Under this same section of the County Code, you are also prohibited from accepting compensation, directly or indirectly, from the Douglas Gardens CMHC that is paid with funds received through actions of the CBO board.

This opinion is intended as a general guide only. If a specific situation arises that suggests a potential conflict of interest, please feel free to contact us for further guidance.

Sincerely,


VICTORIA FRIGO
Staff Attorney

copy: Jim Dyess, Assistant Administrator
Douglas Gardens Mental Health Center of Miami Beach, Inc.
at jdiness@dgcmmc.org