



Via First Class Mail
and
email at brownsvillebobcats@gmail.com

January 3, 2011

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

Eric A. Brown, President
BROWNSVILLE BASKETBALL ACADEMY, INC.
815 N. Homestead Blvd., #303
Homestead, FL 33030

Re: INQ 11-01

Prohibition on appearing before any County Board or Agency on behalf of a nonprofit organization

Dear Officer Brown:

In correspondence to our office on December 30, 2010, you stated that the nonprofit organization, BROWNSVILLE BASKETBALL ACADEMY, INC., seeks to enter into contracts with the County. You are a police officer with the Miami-Dade County Police Department and the President of the nonprofit organization.

It is the opinion of the Ethics Commission staff that BROWNSVILLE BASKETBALL ACADEMY, INC., may enter into contracts with the County, including the County Police Department, because you have no financial interests in the nonprofit organization. The County Ethics Code at Sec. 2-11.1 (b)(8) defines a financial interest as at least a 10% ownership in the organization. Nonprofit organizations are not privately owned.

Please be advised, however, that the County Code at Sec. 2-11.1 (m) prohibits you from appearing before any County board or agency or meeting with staff or elected officials to make a presentation or to seek a benefit on behalf of the nonprofit organization.

We understand that the Board of Directors of BROWNSVILLE BASKETBALL ACADEMY, INC., is currently composed of only two individuals—you and one other member. You may wish to obtain legal advice regarding whether BROWNSVILLE BASKETBALL ACADEMY, INC., may continue to function as a bona fide nonprofit organization with only two people sitting on the Board of Directors. An appearance of impropriety could be created if the nonprofit organization obtained County funding that benefited you as an employee of the nonprofit to the exclusion of the nonprofit's public purpose. Having a full board would lessen the likelihood that you were exploiting your official position. The County Code at Sec. 2-11.1 (g) prohibits exploitation of one's official position with the County to secure a special privilege or exemption for oneself or others.

If any of the facts you have presented change, or if you have further questions, please do not hesitate to contact me at 305 350-0601.

Sincerely,


VICTORIA FRIGO
Staff Attorney