

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, January 10, 2013 12:27 PM
To: Rivero, Felipe M. (OMB)
Cc: Wall, Daniel (OMB); Apostolakos, Antoaneta (OMB); Lucia, Mark (OMB); Centorino, Joseph (COE)
Subject: Haitian American Alliance Youth Foundation (INQ 13-02)

Mr. Rivero,

The Miami-Dade County Ethics Commission has no jurisdiction over nonprofit organizations that contract with the County unless enforcement authority is specifically assigned to us in the contract.

This means that the County Ethics Commission cannot issue ethics opinions related to the actions of nonprofit entities nor can we enforce the County Ethics Code against them at this time.

Even if the Ethics Commission were to be delegated jurisdiction, the County Ethics Code at Sec. 2-11.1 does *not* address issues of nepotism. The County has adopted the State of Florida's anti-nepotism statute by Resolution No. R 736-07. In general, the anti-nepotism statute prohibits *government* officials and employees from appointing, employing, promoting, or advancing their relatives. (See Fla. Stat. 112.3135(2)(a)(2012).)

If the OBM wishes to hold nonprofit entities to certain ethical standards, including the anti-nepotism standard, I suggest that these requirements be made part of the contract between the County and the entity and that the Ethics Commission be named in the contract as the enforcement agency. The County attorneys who draft your contracts, in collaboration with the Mayor and the BCC, would be responsible for seeing to these changes.

We heartily support your efforts to prevent misuse of County funds and would welcome authority to enforce ethics requirements, if provided under the contract.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY

Phone: 305 350-0601

Fax: 305 579-0273



19 West Flagler St., Suite 820
Miami, FL 33130

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

From: Rivero, Felipe M. (OMB)
Sent: Wednesday, January 09, 2013 6:11 PM
To: Frigo, Victoria (COE)
Cc: Wall, Daniel (OMB); Apostolakos, Antoaneta (OMB); Lucia, Mark (OMB)
Subject: Conflict of Interest Inquiry -- Haitian American Alliance Youth Foundation

When we spoke earlier today, I indicated that I would forward to you a brief description of a hiring issue involving one of our contracted agencies. The Haitian American Alliance Youth Foundation is one of several organizations that received general revenue support through the Board's approval of the County's FY 2012-

2013 budget on 20 September 2012. Its general revenue award of \$108,000 is administered by the Office of Management and Budget's Grants Coordination Division. Recently, when we began to review the agency's subcontracts for the County supported project for possible approval (a County contractual requirement), we became aware of the following:

- The agency's previous director, Philip DeRose, stepped down from that post sometime during the Fall of 2012.
- The organization's Board approved the replacement of the director by hiring Frantzi DeRose, the son of the previous director.
- This situation may be further complicated by Philip DeRose's new role within the agency as one of its Board members – a position that he occupied when his son was selected as the agency's executive director.

I have attached to this e-mail the correspondence exchanges that provide additional detail regarding the hiring of Frantzi DeRose as well as a PDF of the State's SUNBIZ document confirming Philip DeRose's current role as a Board member of the Haitian American Alliance Youth Foundation. We would appreciate if you would review those items to determine if the hiring of the new executive director is considered nepotism or conflict of interest based on the stipulations cited in Section 2-11.1 of the Code of Miami-Dade County. If so, we would also like to know the possible remedies that the agency may take to address such an issue. Please review the items that accompany this e-mail and let us know if you will need additional information to make a decision regarding this matter. Thanks for helping us with this request.

-----Original Message-----

From: Apostolakos, Antoaneta (OMB)

Sent: Friday, January 04, 2013 1:58 PM

To: Rivero, Felipe M. (OMB)

Subject: HAITIAN AMERICAN ALLIANCE YOUTH FOUNDATION INC. - information for the COE

Felipe:

You advised to request an opinion from the Commission on Ethics regarding the potential nepotism/conflict of interest arising from the subcontracting of the agency's Executive Director position to Mr. Frantzy DeRose after his father, the former Executive Director Mr. Phillip DeRose stepped down. The attached SunBiz public record extracted today also shows Mr. Frantzy DeRose as a Board Director of the agency which brings more questions. Below is the string of emails will more detailed information.

I am sending this item separately from Trinity Church, Inc. item, in case you choose not to hold it while the information for Trinity is been prepared. Nelly is still clarifying the details with this agency.

If you believe HAAYF can wait I am hoping to have both items ready for you on Monday. Thanks.

Antoaneta Apostolakos, Contracts and Grants Manager Department of Management and Budget (OMB) Grants Coordination www.miamidade.gov/ogc

111 NW 1st Street, 19th Floor, Miami, Florida 33128

Phone: (305) 375-1523; Fax: (305) 375-4049

Email: apostoa@miamidade.gov

"Delivering Excellence Every Day"

Please consider the environment before printing this email.

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

-----Original Message-----

From: Apostolakos, Antoaneta (OMB)
Sent: Monday, December 17, 2012 1:41 PM
To: Rivero, Felipe M. (OMB)
Subject: FW: HAAYF - 5 Subcontrcators Approved, Further Action Needed for the Executive Director

Felipe:

Below is the information from Mark with regards to the HAAYF's new executive director. Please, advise how to proceed to request an opinion from the Commission on Ethics. Thanks.

Antoaneta Apostolakos, Contracts and Grants Manager Department of Management and Budget (OMB) Grants
Coordination www.miamidade.gov/ogc
111 NW 1st Street, 19th Floor, Miami, Florida 33128
Phone: (305) 375-1523; Fax: (305) 375-4049
Email: apostoa@miamidade.gov

"Delivering Excellence Every Day"

Please consider the environment before printing this email.

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

-----Original Message-----

From: Lucia, Mark (OMB)
Sent: Monday, December 17, 2012 11:34 AM
To: Apostolakos, Antoaneta (OMB)
Subject: RE: HAAYF - 5 Subcontrcators Approved, Further Action Needed for the Executive Director

Mr. Frantzy DeRose has been approved by Haitian American Alliance Youth Foundation Inc.'s Board members to become its new subcontracted Executive Director. The former Executive Director, Mr. DeRose father, stepped down of his duties earlier this year. The vote was unanimously approved in the Board Meeting on October 1, 2012 in which the Minutes of the Meeting indicates ALL BOARD MEMBERS WERE PRESENT(5 members). They are the following: Corinne Nicholson (President), Michael Richmond (Secretary), Marcel Mathurin (Treasurer), Louis Manius (Director), and Nicolette Louis (Director).

A review of Corporate records on Sunbiz.org today , indicates that Mr. DeRose is listed as an Officer/Director. The organization has indicated that Mr. DeRose does not partake in voting matters of the Board.

Mark Lucia
Office of Management and Budget
Grants Coordination

111 NW 1st Street
19th Floor
Miami, FL 33128
ph: (305)375-4389
fax: (305)375-4454
www.miamidade.gov/ogc

-----Original Message-----

From: Apostolakos, Antoaneta (OMB)
Sent: Monday, December 17, 2012 10:02 AM
To: Lucia, Mark (OMB)
Subject: HAAYF - 5 Subcontrcators Approved, Further Action Needed for the Executive Director

Mark:

The 5 renewals are approved.

For the new subcontractor, the Executive Director, we will need the opinion of the Commission on Ethics regarding a potential nepotism/conflict of interest.

Please, send me a brief email summarizing the facts regarding this subcontractor, so we can get the needed assistance from the Commission on Ethics.

Thanks.

Antoaneta Apostolakos, Contracts and Grants Manager Department of Management and Budget (OMB) Grants
Coordination www.miamidade.gov/ogc
111 NW 1st Street, 19th Floor, Miami, Florida 33128
Phone: (305) 375-1523; Fax: (305) 375-4049
Email: apostoa@miamidade.gov

"Delivering Excellence Every Day"

Please consider the environment before printing this email.

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

-----Original Message-----

From: Lucia, Mark (OMB)
Sent: Friday, December 14, 2012 8:45 PM
To: Apostolakos, Antoaneta (OMB)
Subject: STATUS and PENDING

Good Evening, Antoaneta:

I have left for you a Request Proposal for 6 subcontractors for Haitian American Alliance Youth Foundation, Inc.. This folder was placed on top of the other contracts that were ready late afternoon for Dan's signature in order to submit to the agency. They are the following:

Douglas Gardens Community Mental Health Center of Miami Beach, Inc.
KIDCO, Child Care, Inc.
Embrace Girls Foundation, Inc.

You have the adjusted scope and budgets for both Latin American Foundation, Inc. and Glory Temple Ministries sent to your via email and are pending your review.

I am awaiting on the following agencies concerning adjustments they must do to their scopes and/or budgets

Sunrise Community, Inc.

STEPS in the Right Direction, Inc.

Legal Services of Greater Miami, Inc.

Thank you for all of your assistance and prompt attention.

Mark Lucia

Office of Management and Budget

Grants Coordination

111 NW 1st Street

19th Floor

Miami, FL 33128

ph: (305)375-4389

fax: (305)375-4454

www.miamidade.gov/ogc