

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Wednesday, July 10, 2013 11:20 AM
To: dianasusi@ayudamiami.org
Cc: Leon, Adolfo (OMB); Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: REVISED INQ 13-155 County Grant Recipient

Ms. Susi,

Based on information recently obtained from the County Grants Coordination Division, we are revising the ethics opinion given to you on June 25, 2013.

Our revised opinion is as follows: The County Ethics Code allows you, an employee of AYUDA, to rent property to AYUDA only if the Board of Directors of AYUDA waives the general ban against contracts between employees and their agencies. The Board of Directors must waive the prohibition by a 2/3 vote at a properly noticed meeting. *See* County Ethics Code at Secs. 2-11.1 (c)(4) and (d).

We understand that AYUDA, a community-based nonprofit organization, has a contract with the County to receive a County grant through the County's Community Based Organization (CBO) funds for three programs. The contract includes the following requirement:

ARTICLE 9. CONFLICT OF INTEREST

A. The Provider agrees to abide by and be governed by Miami-Dade County Ordinance No. 72-82 (Conflict of Interest Ordinance codified at Section 2-11.1 et al. of the Code of Miami-Dade County), as amended, which is incorporated herein by reference as if fully set forth herein, in connection with its contract obligations hereunder.

The County Ethics Code at Sec. 2-11.1 (d) prevents an employee, either directly or through an immediate family member, from contracting with her own agency. You stated that you have a rental contract with AYUDA at a price that is far below the fair market value. The County Ethics Code would allow you to continue with the rental contract if the Board of Directors of AYUDA waives the prohibition of by a 2/3 vote at a properly noticed meeting. *See* County Ethics Code at Sec. 2-11.1 (c)(4).

I'm sorry for any confusion our previous email may have created. Please feel free to contact me if you have further questions.

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

Direct Phone: 305 350-0601
Main Number: 305 579-2594
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: Frigo, Victoria (COE)
Sent: Tuesday, June 25, 2013 1:23 PM
To: 'Diana Susi'

Cc: dianausi@ayudamiami.org; cesarq@ayudamiami.org; Wall, Daniel (OMB); Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)

Subject: INQ 13-155 Nonprofit Grant Recipient

Ms. Susi,

- ~~The County Ethics Code does not address whether you may enter into a leasing agreement with AYUDA, a community based nonprofit organization. AYUDA has received a County grant through the County's Community Based Organization (CBO) funds for three programs. You have no affiliation with Miami-Dade County.~~

~~I recommend that you review the contract between AYUDA and the County to determine if the contract provisions prevent a leasing agreement between you and AYUDA. Other conflicts of interest may exist under your nonprofit bylaws or federal codes regulating nonprofit entities.~~

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

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From: Diana Susi [<mailto:dianasusi@ayudamiami.org>]

Sent: Thursday, June 13, 2013 12:38 PM

To: Frigo, Victoria (COE)

Cc: dianausi@ayudamiami.org; cesarq@ayudamiami.org

Subject: Request for Written Opinion

Dear Ms. Frigo:

Thank you for taking my call Tuesday afternoon.

As per your request please find below the necessary information:

- AYUDA is a Community Based Non-Profit Organization that has been serving families with young children, teens and elders in Miami-Dade County for the last 20 years. AYUDA has been granted through CBO funds for 3 programs.
- Our Contract Manager, Adolfo A. Leon, has asked us to obtain an written opinion from the Commission of Ethics and Trust.
- The programs pay rent in a facility that is owned by a corporation, one which I am the sole Manager. The Corporation is 7144 Byron Avenue, LLC. Miami Beach, 33141.
- The rent is divided per program: Elderly \$770.75; Family Empowerment \$770.75; Parenting \$368.00 for a total of \$1,909.50.
- The programs utilize a total of 1,600 square feet of space throughout the week for all 3 programs' clients and 5 staff members.
- The rate x square foot of office space in Miami Beach and County wide is renting at an average of \$28.48 x square foot.
- The County through these grants are paying rent at a rate of \$1.19 x square foot (\$1,909.50/1600 sq.ft.= \$1.19x sq.foot of space).

I respectfully request a written opinion verifying that there exists no conflict of interest in this rental of space at 7144 Byron Ave, Miami Beach, Florida, 33141, due to the low amount being paid. Please let me know if I need to secure an appointment with your office.

Sincerely,

Diana Susi, MSW, MFT, CMHP
President CEO AYUDA, Inc.
Director Happy Kids Early Childhood Center
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