

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, January 31, 2013 1:08 PM
To: 'patrick.fiore@hotmail.com'
Cc: 'jdubois@palmettobay-fl.gov'; Eve Boutsis (eboutsis@fbm-law.com); RJD@jpfitzlaw.com; Centorino, Joseph (COE); Murawski, Michael P. (COE)
Subject: Ethics Opinion (INQ 13-17)

Councilman Fiore,

We find no ethics conflicts are created under the County Code when you and John Dubois serve concurrently as elected officials on the Palmetto Bay Village Council, and at the same time, you are employed by Camillus House and Mr. Dubois is a board member with Camillus House.

Based on the functional organization of Camillus House, Mr. Dubois's service on the Camillus House board while you are employed there is not likely to impair your independence of judgment in the performance of your public duties to the Village of Palmetto Bay. See the Miami-Dade County Code at Sec. 2-11.1 (j).

The 49-person board of Camillus House, of which Mr. Dubois is a member, does not oversee the hiring, firing, or supervision of employees. You were hired in December 2011 by the President of Camillus House, Dr. Paul Ahr, who has sole authority to manage the day-to-day operations of Camillus House. Typically, the board meets quarterly and has no substantive interactions with Camillus House employees. These facts were confirmed in a telephone conversation on Jan. 30, 2013, with the attorney for Camillus House, Roberto J. Diaz of J. Patrick Fitzgerald & Associates, Coral Gables.

At the time you were hired, Mr. Dubois had not yet qualified as a candidate for, nor had he been elected to, his current position as Vice Mayor on the Village Council.

As you are aware, the County Ethics Code establishes a minimum standard of conduct for public officials. It does not directly address "appearance of impropriety" issues that should guide the actions of all public servants, nor does it address the subjective mindset of an elected official who, for reasons outside of the Code, might not feel capable of being fair or objective in a particular matter due to personal considerations. Any elected official under these circumstances must use his own judgment in determining his proper course of action in executing his public duties.

Finally, we caution you that in the unlikely event you and Mr. Dubois were to encounter each other at Camillus House, a discussion between the two of you related to village business might violate the Sunshine Law at Fla. Stat. 286.011 (2012).

If you have additional questions, please feel free to contact me.

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: patrick Fiore [<mailto:patrick.fiore@hotmail.com>]

Sent: Monday, January 28, 2013 5:32 PM

To: Murawski, Michael P. (COE)

Subject: RE: Request for Ethics Opinion

Mr. Murawski as per our discussion this date, please provide me with an opinion on the employment matter we discussed. I was hired by CAMILLUS HOUSE, in December of 2011, after taking my early retirement from the State of Florida after 21 years of service in the social welfare field, 31, if you include my service in PA. I was interviewed by my current supervisor, Mr. Kenneth King, who is the Director of Housing for Camillus House. The position I was hired for is Vocational Specialist Coordinator, basically, I work with the homeless, single people and families, and homeless veterans, and find employment for them, in order to get them on the road to self sufficiency. Mr. King can be reached at 305 979 6945. I report directly to Mr. King, and he reports directly to the chief operating officer who runs the day to day affairs of Camillus House. Hiring of employees is not a function of the board. At the time I was hired in December of 2011, Mr. Dubois was not an elected official, nor a qualified candidate for the office he currently holds.

Kind Regards,

Patrick Fiore, Palmetto Bay Councilman, District 1

786 200 9344

Subject: Request for Ethics Opinion

Date: Mon, 28 Jan 2013 17:11:23 -0500

From: MURAWSK@miamidade.gov

To: patrick.fiore@hotmail.com

Dear Mr. Fiore:

As we discussed, please send me your formal request for opinion, with as much detail as possible (your title, duties and responsibilities etc...) regarding your employment with Camillus House and whether or not there is any conflict with the fact that Mr. Dubois sits on the Board of Directors of that organization. Please include in your request the information you told me about when you began this job (December 2011) and whether the Board of Directors has any hiring/firing/compensation authority over you. It would also be helpful to include contact information for your supervisor, Mr. King and include the fact that Mr. Dubois was not an elected official at the time you began your employment with Camillus House.

Thank you for your cooperation in this regard.

Michael P. Murawski

Advocate

Miami-Dade County Commission on Ethics and Public Trust

19 W. Flagler Street, Suite 820

Miami, Florida 33130
(305) 350-0609