

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Monday, October 14, 2013 3:16 PM
To: 'Pepe, Thomas F.'
Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: CRA gift solicitation (INQ 13-253)

Mr. Pepe,

As we discussed today, we recommend that a South Miami CRA member *not* solicit a free benefit from an Affordable Housing Foundation developer who has ongoing matters before the South Miami CRA. We understand that the benefit being sought would assist Weed and Seed, a nonprofit entity where the CRA member serves as an officer.

The County Ethics Code at Sec. 2-11.1 (e)(3) forbids an elected official from soliciting a gift in return for taking an official public action. When a CRA member solicits a gift from a developer who is currently asking the CRA to take official actions, an appearance is created that the CRA member and the developer have consented to a *quid pro quo* arrangement. A further implication could be drawn that the elected official is exploiting her official position to benefit a third party. *See* the County Ethics Code at Sec. 2-11.1 (g).

Although an exception to the gift ordinance at Sec. 2-11.1 (e)(2)(g) allows elected officials to solicit gifts on behalf of nonprofit entities, the timing in the case you presented argues against allowing for this exception. Of special concern is that all matters related to the developer have not been resolved at the CRA and that further official actions will be taken by the CRA regarding this developer and the project.

If you have additional questions, please feel free to contact me or my colleague, Gilma Diaz-Greco, Staff Attorney.

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

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From: Pepe, Thomas F. [<mailto:TPepe@southmiamifl.gov>]
Sent: Thursday, October 10, 2013 10:27 AM
To: Frigo, Victoria (COE)
Subject: RE: Conflict of Interest Question re Member of CRA

I thought you should have some additional information regarding this request for an opinion. The CRA deeded land to the developer and the developer is in the process of completing and selling the homes pursuant to a development agreement with the CRA.

Thank you.

Very truly yours,

Thomas F. Pepe

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From: Pepe, Thomas F.
Sent: Thursday, October 10, 2013 10:20 AM
To: Frigo, Victoria (COE)
Subject: Conflict of Interest Question re Member of CRA

The City's community redevelopment agency ("CRA") is doing business with a non-profit affordable housing developer. A member of the CRA board is also an officer of South Miami Weed and Seed, Inc. that is a non-profit corporation. Is it unethical for the W&S officer to seek voluntary help from a principal of the affordable housing developer to register W&S as a 501(c)(3) entity.

Thank you.

Very truly yours,

Thomas F. Pepe

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