



Via First Class Mail
and
email at mlk@morganreed.com

January 25, 2012

ETHICS COMMISSIONERS

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ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

Mojdeh Khaghan
5151 Collins Avenue, #1727
Miami Beach, FL 33140

Re: RQO 12-01

Heightened Ethics Standard for Members of the Financial Recovery Board
See Miami-Dade County Resolutions R-392-11 and R 1020-11.

Dear Ms. Khaghan:

In a public meeting on January 24, 2012, the Miami-Dade Ethics Commission found that you may not contract with the University of Miami as a supervising attorney/lecturer in law and, simultaneously, serve on the Financial Recovery Board.

The Board of County Commissioners and the Public Health Trust have established a heightened ethics standard for Financial Recovery Board members. These measures go beyond the County's Conflict of Interest Code at Sec. 2-11.1 to prohibit relationships that could be *perceived* as conflicts of a personal nature that affect stakeholders.

A perceived conflict of interest is created when a reasonable person could believe that a board member acted with disloyalty or divided loyalties, whether or not an actual conflict exists. The above-referenced resolutions, as well as bylaws of the Public Health Trust, attempt to prevent an appearance of divided loyalties by prohibiting Financial Recovery Board members from serving simultaneously as officers or employees of competitors, contract partners, affiliates or others having a financial or strategic business interest in the outcome of the Financial Recovery Board's decisions. The University of Miami is specifically identified as a contract partner whose officers and employees may not serve simultaneously on the Financial Recovery Board.

This opinion construes the heightened ethics standard imposed on Financial Recovery Board members and is not applicable to other conflicts under County or state laws. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact me or Victoria Frigo, Staff Attorney, if we can be of further assistance.

Sincerely,


JOSEPH CENTORINO
Executive Director

c: Eugene Shy, Jr., Assistant Miami-Dade Co. Attorney at eshy@miamidade.gov