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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, April 14, 2015 9:11 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Clarence Brown, Division Director, PHCD (conflict of interest and two year rule) INQ 15-66  
**Attachments:** RQO 12-09 Carreno.pdf

[INQ 15-66 Brown](#)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, April 14, 2015 9:11 AM  
**To:** Brown, Clarence D. (PHCD)  
**Cc:** Centorino, Joseph (COE)  
**Subject:** Clarence Brown, Division Director, PHCD (conflict of interest and two year rule) INQ 15-66

Dear Mr. Brown:

You inquired whether a conflict of interest existed in the case of a contract entered into by the County's PHCD's department in 2014 with Ascension Community Development Corporation (Ascension), a nonprofit (501)(c)(3) corporation which shares board members with another nonprofit entity, the Church of the Ascension (the Church). You also asked whether a prohibited conflict existed under the 2-11.1(q) (the two year rule) where Ms. Phyllis Tynes-Saunders, a former County employee currently employed by Ascension as Executive Director, submitted this contract application on behalf of Ascension, less than one year after her retirement from the County.

Please be advised that this office does not provide opinions concerning past conduct, only future conduct. Given that PHCD already entered into a contract with Ascension and that the former employee already submitted the application we cannot opine on this past conduct. However, insofar as you have asked for guidance we will address your inquiry as it applies to future conduct.

With respect to whether a conflict of interest would exist under the County Ethics Code where board members of two 501(c)(3) entities overlap, we could not opine because the County Ethics does not cover conflicts regarding organizational conflicts of 501(c)(3) nonprofit entities. You advise, however, that PHCD has requested an ethics opinion from the United States Department of Housing and Urban Development, which provides funding for this project. HUD should therefore be able to provide guidance on this matter. Furthermore, Ascension and the Church should look to the incorporation documents of their respective entities which may provide guidance on potential organizational conflicts.

The second issue you raise regards whether Ms. Phyllis Tyler Saunders, who was employed by the County as a Director of the Department of Human Services until February 22, 2013, and is currently employed by Ascension, would be prohibited by Section 2-11.1(q) (the two-year rule) from submitting an application to the County on behalf of her current nonprofit employer. Generally, Section 2-11.1(q) of the County Ethics Code prohibits former County employees from lobbying the County for a period of two-years following their county employment. However, the two-year prohibition on lobbying does not apply to County employees representing a nonprofit, governmental or educational entity. Consequently, Ms. Tynes-Saunders would not be prohibited from representing Ascension in its dealings with the County. For informational purposes, I have attached RQO 12-09 which describes post-employment restrictions in detail.

This opinion is based on the facts presented. If these facts change, please contact us.

Best regards,

[Gilma \(Mimi\) Diaz-Greco](#)  
Staff Attorney



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**From:** Brown, Clarence D. (PHCD)  
**Sent:** Monday, April 13, 2015 12:03 PM  
**To:** Diaz-Greco, Gilma M. (COE)  
**Subject:** RE: Expedited Opinion Needed from the Commission on Ethics

See below.

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Monday, April 13, 2015 11:37 AM  
**To:** Brown, Clarence D. (PHCD)  
**Subject:** Expedited Opinion Needed from the Commission on Ethics

Good morning Mr. Brown.

I am finalizing the opinion on this issue. Would you please confirm the following facts?

- 1- Has the contract with ascension already been submitted and signed by the County? Yes.
- 2- Is Ms. Tynes-Saunders employed by Ascension? Yes. What is her position with that organization? Executive Director.

Thanks and best regards,

Gilma (Mimi) Diaz-Greco  
Staff Attorney



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**From:** Centorino, Joseph (COE)  
**Sent:** Tuesday, April 07, 2015 2:20 PM  
**To:** Diaz-Greco, Gilma M. (COE)  
**Subject:** FW: Expedited Opinion Needed from the Commission on Ethics

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**From:** Brown, Clarence D. (PHCD)  
**Sent:** Thursday, March 26, 2015 9:12 AM  
**To:** Centorino, Joseph (COE)  
**Cc:** Neuman, Brenda (CAO)  
**Subject:** Expedited Opinion Needed from the Commission on Ethics

In addition, Ms. Tynes-Saunders was an employee of Miami-Dade County until her retirement on February 22, 2013. For many years, she was the Director of the Department of Human Services. Ms. Tynes-Saunders submitted Ascension's application for funding on October 31, 2013, less than one year after her retirement from the County.

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**From:** Brown, Clarence D. (PHCD)  
**Sent:** Wednesday, March 25, 2015 5:30 PM  
**To:** Centorino, Joseph (COE)  
**Cc:** Neuman, Brenda (CAO)  
**Subject:** Expedited Opinion Needed from the Commission on Ethics  
**Importance:** High

Good Afternoon Mr. Centorino,

PHCD needs an expedited opinion from the Commission on Ethics regarding the conflicts about the related entities.

Public Housing and Community Development ("PHCD") seeks an opinion from the Commission on Ethics as to whether contracting with Ascension Community Development Corporation to provide a public service program violates the County's Conflict of Interest and Code of Ethics Ordinance. Below are the facts:

Ascension Community Development Corporation ("Ascension") is a Florida non-profit corporation which has received 501c3 tax-exempt status. The County seeks to contract with Ascension to provide an empowerment program for seniors and youth (the "Project"). Some County funds paid for Ascension's performance of the Project will be used to pay rent. The rent will be paid to The Church of the Ascension (the "Church"). The Church is also an active Florida non-profit corporation.

The Church and Ascension are related in that they share board members and some of the board members of the Church are also board members of Ascension. In addition, the Executive Director of Ascension is a board member of the Church. PHCD seeks an opinion as to whether this relationship creates a conflict of interest.

This request is associated with a time sensitive matter that must be submitted to the United States Department of Housing and Urban Development (U.S. HUD) as soon as possible. Your assistance in expediting an ethics opinion is greatly appreciated.

Sincerely,

Clarence Brown  
Division Director, PHCD

