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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Wednesday, April 22, 2015 2:56 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: INQ 15-73

Please convert into a PDF and add to both the computer and paper file for INQ 15-73.

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**From:** Centorino, Joseph (COE)  
**Sent:** Wednesday, April 22, 2015 2:42 PM  
**To:** Diaz-Greco, Gilma M. (COE)  
**Subject:** INQ 15-73

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**From:** Erhabor Ighodaro, P.H.D. [<mailto:eighodaro@miamigardens-fl.gov>]  
**Sent:** Wednesday, April 22, 2015 2:22 PM  
**To:** Centorino, Joseph (COE)  
**Cc:** Erhabor Ighodaro, P.H.D.  
**Subject:** Fwd: Correction: ethics question

Sent from my iPhone

Begin forwarded message:

**From:** "Erhabor Ighodaro, P.H.D." <[eighodaro@miamigardens-fl.gov](mailto:eighodaro@miamigardens-fl.gov)>  
**Date:** April 22, 2015 at 1:55:35 PM EDT  
**To:** "Erhabor Ighodaro, P.H.D." <[eighodaro@miamigardens-fl.gov](mailto:eighodaro@miamigardens-fl.gov)>  
**Subject:** Fwd: Correction: ethics question

Sent from my iPhone

Begin forwarded message:

**From:** "Erhabor Ighodaro, P.H.D." <[eighodaro@miamigardens-fl.gov](mailto:eighodaro@miamigardens-fl.gov)>  
**Date:** April 21, 2015 at 10:22:09 AM EDT  
**To:** "Schafer, Grayden" <[SCHAFFER.GRAYDEN@leg.state.fl.us](mailto:SCHAFFER.GRAYDEN@leg.state.fl.us)>  
**Cc:** "Erhabor Ighodaro, P.H.D." <[eighodaro@miamigardens-fl.gov](mailto:eighodaro@miamigardens-fl.gov)>  
**Subject:** Re: Correction: ethics question

Good Morning Mr. Schafer and thanks for your response. I'll discuss this opinion with the Board of AMAC and would recommend dissociating with the Nigerian American Foundation (NAF) if they think severing my membership affiliation with NAF is of sufficient benefit in light of any support that can accrue from having the city support our grant applicant.

Thanks,  
Ighodaro

Sent from my iPhone

On Apr 21, 2015, at 10:04 AM, Schafer, Grayden <[SCHAFFER.GRAYDEN@leg.state.fl.us](mailto:SCHAFFER.GRAYDEN@leg.state.fl.us)> wrote:

Councilman Ighodaro:

I have reviewed your responses and have revised my initial opinion. To summarize, you indicated after receiving my initial email that if the African Museum of Arts and Culture receives the State grant, the City will match 25% of the State grant money. You indicate this would equate to \$125,000. You also indicate that while you serve as an unpaid Executive Director for the African Museum of Arts and Culture, you are considered a member of that group, given your membership in the Nigerian American Foundation.

The fact that the City would match the grant does not appear to affect my analysis under the voting conflict statute—as the African Museum of Arts and Culture still will not be considered your “principal” as you are serving in an unpaid position—but it does create concerns under Section 112.313(7)(a), Florida Statutes. This provision has two prongs.

First, it prohibits public officers from having any employment or contractual relationship with a business entity that is doing business with their agency. Here, this first prong might be triggered if the City supports the grant application and, eventually, supplies the money. The Commission has found that when an entity receives a grant from an agency, they are doing business together (See CEO 15-1). Moreover, the Commission has also found that membership with a particular group creates a contractual relationship between the member and that group. (See CEO 10-2). So, assuming the City matches the grant and assuming you continue as a member of the African Museum of Arts and Culture, you would be holding a contractual relationship (via your membership) with an entity (the African Museum of Arts and Culture) doing business with your agency (the City of Miami Gardens).

Moreover, under the second part of Section 112.313(7)(a), you are prohibited from having any employment or contractual relationship that will create a continuing or frequently recurring conflict between your private interests and the performance of your public duties, or will impede your full and faithful discharge of your public duties. Again, because you are a member of the African Museum of Arts and Culture, this creates a contractual relationship with that entity. Concerns could then be raised about violations under the second part of the statute.

Both parts of Section 112.313(7)(a) hinge on the public officer having an employment or contractual relationship creating a conflict. You do not have an employment relationship with the African Museum of Arts and Culture as you are serving in an unpaid position. However, your

membership in that group does create a contractual relationship with it. If you withdraw as a member, though, that contractual relationship is severed. In that instance, you would have neither an employment relationship nor a contractual relationship with the entity. Consequently, it appears that to avoid the application of Section 112.313(7)(a), prior to the City voting on supporting the grant application, you should withdraw your rank-and-file membership with the African Museum of Arts and Culture (which may require you to withdraw as a member of the Nigerian American Foundation as well) and should continue as only an unpaid Executive Director. A similar situation occurred in CEO 10-2 and I would encourage you to review that Advisory Opinion, which you can find on the Commission's website under the "Research" tab ([www.ethics.state.fl.us](http://www.ethics.state.fl.us)).

Please contact me if you have further questions regarding this email. Also, please confirm by phone or a response email that you have received this message.

Gray Schafer  
Senior Attorney  
Florida Commission on Ethics  
(850)-488-7864

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Wednesday, April 22, 2015 2:58 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: Resignation Letter: NAF  
**Attachments:** DOC042215.pdf; ATT00001.htm

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**From:** Centorino, Joseph (COE)  
**Sent:** Wednesday, April 22, 2015 2:42 PM  
**To:** Diaz-Greco, Gilma M. (COE)  
**Subject:** FW: Resignation Letter: NAF

I am forwarding this and another email from Councilman Ighodaro pursuant to INQ 15-73. Both emails should be included in the file. Councilman Ighodaro received an opinion from the State Ethics Commission advising that he resign from the Nigerian American Foundation but remaining as Executive Director of the group building the museum, and, thereby, indicating that he could vote on the matter. I spoke with Councilman Ighodaro and informed him that the development would not affect the opinion we have rendered to him under the County Ethics Code, and that he still should recuse himself since he is an officer of an organization that will be affected by the vote.

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**From:** Erhabor Ighodaro, P.H.D. [<mailto:eighodaro@miamigardens-fl.gov>]  
**Sent:** Wednesday, April 22, 2015 2:23 PM  
**To:** Centorino, Joseph (COE); Erhabor Ighodaro, P.H.D.  
**Subject:** Fwd: Resignation Letter: NAF

Sent from my iPhone

Begin forwarded message:

**From:** "Erhabor Ighodaro, P.H.D." <[eighodaro@miamigardens-fl.gov](mailto:eighodaro@miamigardens-fl.gov)>  
**Date:** April 22, 2015 at 1:52:58 PM EDT  
**To:** Grayden Schafer <[SCHAFFER.GRAYDEN@leg.state.fl.us](mailto:SCHAFFER.GRAYDEN@leg.state.fl.us)>, "Erhabor Ighodaro, P.H.D." <[eighodaro@miamigardens-fl.gov](mailto:eighodaro@miamigardens-fl.gov)>, Shannan Ighodaro <[ighodaro2012@gmail.com](mailto:ighodaro2012@gmail.com)>  
**Subject: Resignation Letter: NAF**

Mr. Schafer:

Based on my initial inquiry and subsequent correspondence, see attachment as note of my intention to comply with applicable law(s).

Thanks,  
Ighodaro

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contents is prohibited. If you have received this communication in error, please notify the sender immediately by replying to this message. Thank you.

4/21/15

Chief Joseph Obadeyi, Chair  
Nigerian American Foundation  
19821 NW 2 Avenue  
Suite #182  
Miami Gardens, FL 33169

Dear Chief Obadeyi:

It has been brought to my attention that due to a potential conflict (see accompanying correspondence from State Commission on ethics) with my role as a member of the Nigerian American Foundation and my interest in supporting the African Museum of Arts and Culture (AMAC) project as Councilman in the city of Miami Gardens.

Please receive this note as a letter of resigning my membership with the Nigerian American Foundation. I hope you and the entire membership understand this action as an attempt to achieve a broader objective.

Yours truly,



Erhabor Ighodaro, PhD

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, April 21, 2015 9:18 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: INQ 15-73 - Dr. Erhabor Ighodaro, Council Member, City of Miami Gardens (Voting Conflict)  
**Attachments:** votingconflictmemo.doc; votingconflictFormB.pdf

[INQ 15-73 Ighodaro](#)

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**From:** Centorino, Joseph (COE)  
**Sent:** Monday, April 20, 2015 3:34 PM  
**To:** 'eighodaro@miamigardens-fl.gov'  
**Cc:** Diaz-Greco, Gilma M. (COE)  
**Subject:** INQ 15-73 - Dr. Erhabor Ighodaro, Council Member, City of Miami Gardens (Voting Conflict)

Councilman Ighodaro:

You have inquired regarding whether you would have a voting conflict in voting on an item coming before the Miami Gardens City Council that involves the City's endorsement of a grant application by the African Museum of Arts and Culture to the State of Florida for \$500,000 for the construction of a museum on land in Miami Gardens previously owned by Miami-Dade County. The African Museum of Arts and Culture is a non-profit organization that was formed for the purpose of handling the construction end of this project. You are the unpaid Executive Director of the Organization. The project was originally conceived by the Nigerian American Foundation, a non-profit organization which created the African Museum of Arts and Culture organization, and which succeeded in having the land for the project transferred to it for the purpose of building the museum. You were the unpaid President of the Nigerian American Foundation at the time of the transfer and remain a member of that organization.

It is my opinion that you have a voting conflict in this matter under Section 2-11.1(d) of the County Ethics Code that should cause you to recuse yourself from participating and voting on the matter when it comes before the Miami Gardens City Council.

As the Executive Director of the Organization, you are an officer of an organization that will be directly affected by the vote. As such you are in a category under Section 2-11.1(d), as an officer of an entity affected by the vote, that requires such recusal.

As an individual having a prohibited voting conflict under Section 2-11.1(d), you are required to announce publicly the conflict prior to the Council's taking up the matter, absent yourself from the Council Chamber during the discussion and vote on the item, and you must file form 8B with the Clerk of the Board within 15 days of the vote.

I have attached a memo from our office outlining these requirements, as well as a copy of Form 8B. Please let me know should you have any further questions.

Sincerely,

Joseph M. Centorino  
Executive Director and General Counsel  
Miami-Dade Commission on Ethics and Public Trust

*Joseph M. Centorino*

Executive Director and General Counsel  
Miami-Dade Commission on Ethics and Public Trust  
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