

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, September 27, 2017 9:00 AM
To: Sanchez, Rodzandra (COE)
Subject: Dennis C. Moss, Miami-Dade County Commissioner (DIST 9) (Voting Conflict) INQ 17-235

INQ 17-235 Moss

-----Original Message-----

From: Centorino, Joseph (COE)
Sent: Tuesday, September 26, 2017 5:10 PM
To: Moss, Dennis C. (DIST9) <Dennis.Moss@miamidade.gov>
Cc: Bannerman, Wayman G. (DIST9) <Wayman.Bannerman@miamidade.gov>; Wilson IV, Samuel (DIST9) <Samuel.WilsonIV@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: INQ 17-235 Dennis C. Moss, Miami-Dade County Commissioner (DIST 9) (Voting Conflict)

Commissioner Moss:

This is in response to your inquiry regarding whether you would have a voting conflict of interest under Section 2-11.1(d) of the County Ethics Code in voting on matters regarding the Richmond-Perrine Optimist Club (Club), including the provision by the County of financial support to that agency, in the event that you retire from your position as unpaid Executive Director of the Club. It is my understanding that the Club is a non-profit organization with which you have had a long-term association as its director. You have properly recused yourself in the past from voting on matters concerning the Club in your public position as County Commissioner due your serving as its chief executive officer, pursuant to the provision of Section 2-11.1(d) of the Ethics Code. That section requires automatic recusal by an elected board member who is an officer of an entity that would be directly or indirectly affected by board action.

In the event that you were to resign from your position as an officer of the Club and did not maintain and position as an "officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary" of the agency, then the automatic recusal in Section 2-11.1(d) would not apply. The only remaining question would be whether you "might, directly or indirectly, profit or be enhanced" by a BCC action affecting the Club. If it is your intent, as you indicated to me, to completely sever ties with the Club, then I see no realistic chance of the latter situation occurring. Under such circumstances, you would be able to vote on issues affecting the Club.

You also inquired whether, while you serve as Executive Director, you would be able to engage in a discussion before the BCC in which you would generally discuss CBO recommendations by use of a map illustrating the areas in which County resources are being distributed, and thereby provide assistance to the BCC in determining whether its resources are being routed to the areas with the most need. Obviously, once you have severed ties with the organization, this would not create a voting conflict. However, as long as you maintain your position as Executive Director of the Club, I would advise against utilizing this method to discuss CBO funding. If there were any reasonable possibility that the implications of your presentation could lead to a decision of the board to allocate more resources to the Club due to its being located in an area of special need, then the County provision under Section 2-11.1(d) would not permit you to make such a presentation. The reason for this is that you would be participating in a discussion that could, directly or indirectly, have a financial impact on the Club while serving as an officer of the Club.

I appreciate your bringing this to our attention and seeking guidance before taking action. If you have any further questions, please call me.

Sincerely,

Joe Centorino

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

From: Moss, Dennis C. (DIST9)

Sent: Monday, September 25, 2017 12:04 PM

To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>

Cc: Bannerman, Wayman G. (DIST9) <Wayman.Bannerman@miamidade.gov>; Wilson IV, Samuel (DIST9) <Samuel.WilsonIV@miamidade.gov>

Subject: 9/25/17 Ethics Request

Dear Mr. Centorino,

I am writing to get some guidance from your office on the following issues:

1. If I retire from the Richmond-Perrine Optimist Club where I serve as the unpaid pro-bono Executive Director, will I still be subject to the conflict of interest provisions where I am prohibited from discussing issues involving the Optimist Club or providing any funding support to the agency.
2. My agency is a part of the current CBO recommendations. Am I prohibited from discussing the CBO recommendations in general by having a map prepared that will have dots illustrating new groups recommended versus old groups recommended for funding. The point that I am trying to illustrate is whether our CBO recommendations allocate resources to the areas that are experiencing the most violence, poverty and problems. It will not name any organization by name including my own, as this is not about my agency or any particular agency, but it is about the allocation of resources. Many who came to the first budget hearing spoke about the unequal distribution of resources to the most needy communities in our county and the CBO process is an important part of that distribution.

Thank you for your attention to this request.

Commissioner Moss

Sent from my iPhone