

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, November 16, 2017 11:15 AM
To: Sanchez, Rodzandra (COE)
Subject: Amy McClellan, The Key Clubhouse of South Florida (Limitaions On contracting with the County): INQ 17-260

[INQ 17-260 McClellan](#)

From: Turay, Radia (COE)
Sent: Wednesday, November 15, 2017 4:58 PM
To: 'amyjmcclellan@gmail.com' <amyjmcclellan@gmail.com>; dwebb@keyclubhouse.org
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Kobrinski, Leigh (CAO) <Leigh@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>; Cummings-Labossiere, Jeanise (ISD) <Jeanise.Cummings-Labossiere@miamidade.gov>
Subject: RE: Request for a Conflict of Interest Opinion

Dear Ms. McClellan,

You have contacted the Ethics Commission requesting an ethics opinion in connection with The Key Clubhouse of South Florida's vendor registration application with Miami-Dade County.

Facts

- The Key Clubhouse of South Florida is a nonprofit entity that operates a free rehabilitation and employment program for adults living with serious mental illness in the Liberty City area.
- They were awarded a Community Based Organization (CBO) grant from Miami-Dade County's Office Management and Budget.
- Through the vendor application process, The Key Clubhouse of South Florida was notified that it needed to obtain a Conflict of Interest Opinion because two governing board members of the entity happen to be employees of Miami-Dade County, Mr. Juan Carlos Garrido and Ms. Cindy Schwartz. Mr. Garrido is an Aide to Commissioner Xavier Suarez; and Ms. Schwartz is a Project Director, with the Jail Diversion Program for the Eleventh Judicial Circuit Criminal Mental Health Project.
- Neither Mr. Garrido nor Ms. Schwartz and/or their respective immediate family members have any ownership interest and/or financial interest in The Key Clubhouse of South Florida.

Analysis

The County Ethics Code at Sections 2-11.1(c) states that Miami-Dade County and any person or agency acting for Miami-Dade County shall not award a contract to any Miami-Dade County employee, board member, elected official, or his or her immediate family individually or through a firm, corporation, partnership or business entity in which the person or any member of his or her immediate family has a controlling financial interest, unless the Ethics Commission has rendered an opinion that entering the contract would not be a conflict of interest or, if there is a conflict of interest, the Board of County Commissioners waives the conflict.

Based on the information you have provided, The Key Clubhouse of South Florida does not need an opinion from the Ethics Commission prior to entering into a contract with Miami-Dade County because the organization's board members who are County employees (Mr. Garrido and Ms. Schwartz) and/or their immediate family members, have no ownership interest or financial interest in The Key Clubhouse of South Florida.

Please be aware however that, Mr. Garrido and Ms. Schwartz shall not participate in determining the contract requirements or in awarding the contract. Additionally, none of their responsibilities and job descriptions shall require that they be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. See County Ethics Code § 2-11.1(c) and (d). Further, Mr. Garrido and Ms. Schwartz may not use their County positions to secure **special privileges or exemptions** with respect to any contract The Key Clubhouse of South Florida is seeking with the County nor may they represent The Key Clubhouse of South Florida before any County department or agency regarding any application to contract with the County. See County Ethics Code § 2-11.1(g) and (m)(1).

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

Sincerely,

RADIA TURAY

Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 350-0601
Fax: (305) 579-0273
Ethics.miamidade.gov

From: amyjmcclellan@gmail.com [<mailto:amyjmcclellan@gmail.com>]
Sent: Wednesday, November 15, 2017 3:46 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; dwebb@keyclubhouse.org
Subject: RE: Request for a Conflict of Interest Opinion

Hello Ms. Turay,

Please see my answers below. Neither Cindy Schwartz nor J.C. Garrido, both board members, and/or their immediate family member have any ownership or financial interest in The Key Clubhouse.

Thank you,

Amy McClellan
Board President
The Key Clubhouse of South Florida

1400 NW 54th Street, Suite 102
Miami, FL 33142
www.keyclubhouse.org
Home office: 305-757-5608
Cell: 305-582-9747

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From: Turay, Radia (COE) [<mailto:Radia.Turay@miamidade.gov>]
Sent: Wednesday, November 15, 2017 3:39 PM
To: amyjmcclellan@gmail.com; dwebb@keyclubhouse.org
Subject: RE: Request for a Conflict of Interest Opinion

Hello Ms. Mcclellan,

In order to assist you further, please answer the questions below:

- (1) Do the two board members in question (Mr. Garrido and Ms. Schwartz) and/or their immediate family member have any ownership interest in The Key Clubhouse? **NO.**
- (2) Do the two board members in question (Mr. Garrido and Ms. Schwartz) and/or their immediate family member have any financial interest in The Key Clubhouse? **NO.**

Thanks,
Radia.

From: Amy McClellan [<mailto:amyjmcclellan@gmail.com>]
Sent: Friday, October 27, 2017 2:23 PM
To: Ethics (COE) <ethics@miamidade.gov>
Cc: Debra Webb <dwebb@keyclubhouse.org>
Subject: Request for a Conflict of Interest Opinion

To Whom It May Concern:

Our organization, The Key Clubhouse of South Florida, is registering for the first time as a vendor of Miami-Dade County as part of the contract process to receive a Community Based Organization (CBO) grant from Miami-Dade County's Office Management and Budget. In the vendor application process, we have been notified that we need to obtain a Conflict of Interest Opinion regarding two governing board members who are employees of Miami-Dade County. As board members, they are classified as "principals" of our organization.

Our organization operates a free rehabilitation and employment program for adults living with serious mental illness in the Liberty City area. It was founded in 2008 by family members of individuals with serious mental illness. Since the Clubhouse began providing services in 2010, we have served more than 475 individuals with mental illness, the vast majority (90% +) live far below the poverty line. We are accredited with Clubhouse International, a network of mental health Clubhouses around the world that operate the same, internationally acclaimed program that focuses on meaningful work, wellness, employment and socialization for people with

mental illness. We receive funding from the South Florida Behavioral Health Network, the State Regional Managing Entity for mental health and substance abuse services, several foundations, and private contributions. Our website contains detailed information about our program: www.keyclubhouse.org.

Our two board members' information is as follows:

1. J.C. (Juan Carlos) Garrido - Position Held: Aide to Commissioner Xavier Suarez; Department: Board of County Commissioners; Employee ID: E307345; Date appointed: 7/11/2011.

Mr. Garrido joined our board in August 2015 because of his personal interest in improving mental health services in the community. He has a son who lives with a mental illness. Mr. Garrido is also active as a volunteer in NAMI (National Alliance on Mental Illness) of Miami and serves as a liaison between our organization and NAMI. He serves in a volunteer capacity on our board and does not receive compensation in any form as a board member. Mr. Garrido is an architect and General Contractor and is providing free, valuable assistance to our organization in identifying a larger future site for our program. He played no role whatsoever in the award of our CBO grant, which was conducted through a rigorous and objective RFP process by the Mayor's Grants Office.

2. Cindy Schwartz – Position Held: Project Director, Jail Diversion Program, Eleventh Judicial Criminal Mental Health Project; Department: Administrative Office of the Courts (AOC); Employee ID: E210405; Date appointed: 5/22/2006.

Ms. Schwartz joined our board in August 2015 because of her personal interest and long involvement in programs and services for individuals with serious mental illness. The Key Clubhouse often receives referrals of individuals interested in joining our Clubhouse from the Jail Diversion Program, which she directs. Ms. Schwartz's knowledge and experience in the mental health services field is a great asset to our board. She serves in a volunteer capacity on our board and does not receive compensation in any form as a board member. She played no role whatsoever in the award of our CBO grant.

Please let me know if the above information is sufficient to issue an opinion or whether you need any additional information.

Thank you,

Amy McClellan
Board President
The Key Clubhouse of South Florida
1400 NW 54th Street, Suite 102
Miami, FL 33142
www.keyclubhouse.org
Home office: 305-757-5608
Cell: 305-582-9747

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