

INQ 05-22

**Meyers, Robert (COE)**

**From:** Prkic, Christina (COE)  
**Sent:** Wednesday, February 23, 2005 11:03 AM  
**To:** Meyers, Robert (COE)  
**Subject:** RE: Opinion on conflict of interest

Robert:

Mr. Berger does not need to resign from We Care, Inc., a local non-profit agency. Based upon the facts provided, although his division's budget includes an allocation to the organization, he does not have the authority to approve the allocation or the amount. Furthermore, he indicates that stringent guidelines exist pertaining to the disbursement of the funds. He has no role in that process.

Certainly, Section 2-11.1(m) would prohibit Mr. Berger from appearing before the City Council and other boards on behalf of We Care. This section is interpreted broadly to prohibit Mr. Berger from meeting with City staff and officials regarding the budgetary issues, benefits or any other decision concerning the non-profit. Also, the Code of Ethics prohibits employees from using their official position to secure benefits or privileges for themselves or for others. Accordingly, he may not use his position or government resources to promote [i.e., fundraise for] We Care. This would not preclude him, however, from handling the division's ministerial/administrative functions connected to We Care's budget allocation.

Christina

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

**From:** Meyers, Robert (COE)  
**Sent:** Wednesday, February 23, 2005 10:24 AM  
**To:** Prkic, Christina (COE)  
**Subject:** FW: Opinion on conflict of interest

Christina,

Let's discuss.

Thanks,

Robert

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

**From:** Ken Berger [mailto:kberger@cityofhomestead.com]  
**Sent:** Wednesday, February 23, 2005 10:01 AM  
**To:** RMEYERS@miamidade.gov  
**Subject:** Opinion on conflict of interest

I would like your opinion as to whether the following is a conflict of interest.

I serve on the Board of Directors of We Care of South Dade, Inc. We care, is a 501c3 that coordinates and provides social services to the community.

Where the conflict may lie is that my division's budget contains \$20,000 that is provided to We Care to assist with emergency situations regarding the payment of utility bills. I do not have the authority to approve the budget, that is handled by the City Manager's office and subsequently by the City Council. Also, I have no input into the dispersal of the funds. This dispersal is approved by the Director of the various agencies which are a part of We Care, and allocated by their staff under stringent guidelines.

Should I resign from the Board?

Thank you.

Ken Berger  
Superintendent, Customer Service