

Meyers, Robert (COE)

JNG 06-153

From: Meyers, Robert (COE)
Sent: Wednesday, November 01, 2006 10:45 AM
To: 'mbuchbinder@alliance4hs.org'
Subject: RE: Ethics opinion

Mark,

Thank you for your e-mail. I understand from your e-mail that the County Manager wishes to appoint you to the project review committee that will review applications for the GOB Program Non-For-Profit Community Organization Capital Fund. I understand that one of the organizations applying for funds is the United Way, which also funds the Alliance for Human Services, where you serve as executive director. Further, the United Way gives the Alliance a rent concession, on account of the fact your offices are located in the United Way building. Finally, you state that the executive director of the United Way sits on your Board of Directors.

The pertinent question to address is whether a conflict of interest is created if you, in your capacity as member of the project review committee, participate in and vote on funding recommendations for the United Way. In order for a voting conflict to exist, you must have a special relationship with the applicant and be directly affected by the decision. It is hardly a stretch to conclude that you do have a special relationship with United Way, but I do not believe that you would be directly affected by participating in the committee's decision to recommend or not recommend funding for the United Way. Thus, technically speaking, no legal conflict exists that precludes you from serving on the committee and reviewing United Way's request. Having found there is no legal conflict, please consider the following. If it is possible to review and vote on each application separately, then I suggest you do not vote on the recommendation for United Way. If all the applications are considered at the same time, you can ask that they are broken down into two categories: all the applications with the exception of the United Way application and then the United Way application on its own. You could then vote on the first category and not on the second.

If it isn't feasible to split the application process, it may not be in your best interest to accept the appointment. I assume the process is a competitive one and not all of the applicants will receive full funding. If the United Way were to receive a recommendation for full funding from your committee and you were part of that decision, some may question your objectivity. Obviously, you would weigh every application on its merits, but individuals are also trying to find fault with anything Miami-Dade County does.

If you wish to discuss the above, please contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust
(305) 350-0613

From: Galan, Jose A. (OCI)
Sent: Tuesday, October 31, 2006 10:46 AM
To: Ryland, Sharon (DBD)
Cc: 'Mark Buchbinder'; Meyers, Robert (COE); Clerk of the Board (COC); Navarrete, George (OCI); Bonzon-Keenan, Geri (CAO); Heffernan, Gerald (CAO)
Subject: RE: Ethics opinion

Sharon,

Mark, as you can see below, has a potential conflict of issue serving on the committee and even if it is found not to be a conflict the perception of a conflict may linger. What do we do if he can not

11/1/2006

participate since we are already using the alternate? Without Mark we will be left with six voting members.

Thanks,

Jose A. Galan
Chief, Program Legislation
Office of Capital Improvements
(305) 375-5057
www.miamidade.gov/build
"Delivering Excellence Every Day"

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

From: Mark Buchbinder [mailto:mbuchbinder@alliance4hs.org]
Sent: Monday, October 30, 2006 4:09 PM
To: Meyers, Robert (COE)
Cc: Galan, Jose A. (OCI)
Subject: Ethics opinion

Hi Bob,

I am the executive director of the Alliance for Human Services. I have been selected by the County Manager (memorandum dated October 20, 2006) to be part of a project review committee that will review the applications for the GOB Program Not-For-Profit Community Organizations Capital Fund - RFP# NFP0607. The purpose of the project review panel is to assist the county manager in the selection process which then goes to the BCC for final approval.

Upon receiving a list of applicants, I noticed that one of the organizations (United Way) is a funder of the Alliance with both cash and "in kind" services. In addition, our office is located in the United Way building and we receive a rent concession (reduction). The United Way executive director is a former president of the Alliance and presently sits on the Board of Directors.

Although I personally receive nothing of value from the United Way, the Alliance which employs me, does and my salary comes from the unrestricted monies raised by the Alliance. I am concerned as to whether this is an indirect conflict and/or the appearance of a conflict. If so, I will not be part of the project review panel. I would appreciate your guidance

Thanks...Mark

Mark Buchbinder, Executive Director
Alliance for Human Services
3250 SW Third Avenue
Miami, FL 33129
305-646-7138
305-646-7135 (fax)
www.alliance4hs.org

