

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Friday, June 22, 2018 9:46 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** INQ 18-156, Chris Davis, OLCDC (Outside Employment, Voting Conflict)

INQ 18-156 Davis

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**From:** Turay, Radia (COE)  
**Sent:** Friday, June 22, 2018 9:20 AM  
**To:** Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>  
**Cc:** Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>  
**Subject:** FW: INQ 18-156, Chris Davis, OLCDC (j, d)

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**From:** Turay, Radia (COE)  
**Sent:** Friday, June 22, 2018 9:19 AM  
**To:** 'Chris Davis' <[chris@olcdc.org](mailto:chris@olcdc.org)>  
**Cc:** Willie Logan <[logan@olcdc.org](mailto:logan@olcdc.org)>; Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Subject:** INQ 18-156, Chris Davis, OLCDC (j, d)

Dear Mr. Davis,

You have inquired whether any conflict of interest exists should you, an employee of the Opa-locka Community Development Corporation (OLCDC), run for elected office in the City of Opa-locka.

### Background

- You are employed as a Community Organizer at OLCDC.
- The OLCDC was established in November 1980 as a 501 (c)(3) non-profit community development corporation to address the distressed unemployment conditions, particular to the Opa-locka and North Dade County, Florida, communities. It began addressing conditions through community organizing and soon expanded to provide community services and develop housing.  
Its mission is to transform under-resourced communities into vibrant, desirable, engaged neighborhoods by improving access to health, education, employment, art, safety and affordable housing. OLCDC fulfills its mission by improving access to health and wellness opportunities; supporting educational programs that foster student achievement; enhancing career opportunities for residents with job training; creating and attracting new jobs and businesses; increasing access to art, culture and technology; mobilizing residents to foster community engagement; and enhancing the overall livability of neighborhoods through quality affordable housing, economic opportunities, public spaces, and safer streets.
- Specifically, as Community Organizer for the OLCDC you are responsible for coordinating, facilitating, and promoting, grant-funded and neighborhood outreach activities, meetings and programs, as well as organizing residents, tenants, and businesses to address holistic needs. You are also directly responsible for data collection and developing tools such as newsletters and monthly reports as outreach mechanisms to residents in the City of Opa-locka. Further, you are involved with grant writing and reporting, data collection and management of projects.

- You are considering running for a seat on the City of Opa-locka Commission. You have discussed your intention to run with the President/CEO of OLCDC, Dr. Willie Logan, who has approved of your request to do so.
- We have consulted with the City Attorney for the City of Opa-locka, Vincent Brown. He has advised that the OLCDC is not a City of Opa-locka vendor, contractor, or service provider. He also indicated that OLCDC does not receive any funding from the City of Opa-locka. He however noted that the OLCDC does lease office space from the City of Opa-locka.
- You have represented that the OLCDC serves as a non-profit partner of the City of Opa-locka. You explained that from time to time the OLCDC and the City of Opa-locka will partner to accomplish city wide objectives.
- You have also represented that about 3-5 times a year, the OLCDC appears before the City of Opa-locka Commission to provide updates on OLCDC's community initiatives, get approval for various capital projects and community activities.
- The Opa-locka City Attorney has, however, stated that even though the OLCDC appears before the City Commission from time to time to advise of its various community initiatives, to his recollection, the OLCDC has only been involved in two resolutions that have required a vote by the City Commission over the last three years.
- Further, you do not serve on any County or City of Opa-locka board.

### Analysis

The Ethics Code at Section 2-11.1 (j) – *Conflicting Employment prohibited*- provides that County and municipal elected officials and employees must not engage in outside employment that would impair his or her independence of judgment in the performance of his or her public duties. See § 2-11.1 (j). Conflicting employment can occur when the outside employment is closely related to the employee's public duties and/or where the County employee deals with the same people or entities in both his/her outside employment and in his/her public position, e.g., similar clients, suppliers, or subcontractors. See COE's Outside Employment Guidelines, November 2017.

Under the circumstances related above, it appears that you do not have a prohibited conflict of interest that would prevent you from continuing your employment with the OLCDC while you potentially serve as elected official in the City of Opa-locka. There is sufficient separation from the working of the OLCDC and the City of Opa-locka that your outside employment with that organization would not interfere with your independence of judgment should you be elected as City of Opa-locka Commissioner pursuant to Section 2-11.1(j) of the Ethics Code. In reaching this conclusion, we have considered the fact that the City plays no role in the funding of the OLCDC; it has no control over the internal activities of the organization; and the OLCDC is not a City vendor, contractor, or service provider. See INQ 17-58; INQ 17-235; INQ 13-202; and INQ 13-16.

However, please note that certain **limitations will apply**:

- Section 2-11.1(d) of the Miami-Dade County Conflict of Interest and Code of Ethics states that an elected official who has one of a number of specified relationships with an entity or individual who "would be or might be directly or indirectly affected by any action of the Board" has an automatic conflict disqualifying the official from voting. The specified relationships include "employee" and "consultant." Additionally, a voting conflict would be created if a voting official "would or might, directly or indirectly, profit or be enhanced by the action of the Board..." Therefore, in the event that you are elected to the City of Opa-locka Commission, you would, of course, be required to recuse yourself from any votes affecting OLCDC, including votes regarding the extension or the modification of the OLCDC's lease with the City of Opa-locka.
- You may not use any City resources in the furtherance of your outside employment with the OLCDC. See, Miami-Dade Code § 2-11.1(g).
- You are prohibited from using any confidential information acquired as a result of your City elected position to derive a personal benefit. See Miami-Dade Code § 2-11.1(h); and
- You cannot represent OLCDC in any matter before the City of Opa-locka. See Miami-Dade Code § 2-11.1(m).

- Section 2-11.1(g) of the County Ethics Code (Exploitation of official position), prohibits elected officials from using or attempting to use his or her official position to secure special privileges or exemptions for himself or others. In the event that you are elected to the City of Opa-locka Commission, we advise that you keep your employment with the OLCDC completely separate from your official position. This would include refraining from utilizing your official Commissioner title on your OLCDC business cards or using your official title while performing your duties at the OLCDC. See INQ 16-277.

We also strongly suggest that, in the event that an issue should arise in connection with any of the above-listed limitations, you seek an opinion from this agency concerning whether any prohibitions under Section 2-11.1 of the County Ethics apply.

This opinion is based on the facts presented. If these facts change or if you have any further questions, 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:** Chris Davis [<mailto:chris@olcdc.org>]  
**Sent:** Thursday, June 21, 2018 9:32 PM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Cc:** Willie Logan <[logan@olcdc.org](mailto:logan@olcdc.org)>  
**Subject:** Re: Ethics Inquiry

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Yes I have discussed with Dr. Logan and he has approved.

On Thursday, June 21, 2018, Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)> wrote:

Hi Chris,

So, Joe has approved the opinion. Prior to issuing the opinion, he just wanted me to confirm that you have discussed your plan to run and possibly serve on the City Commission with Willie Logan, and Mr. Logan will permit you to do so.

Thanks,

Radia.

**From:** Chris Davis [mailto:[chris@olcdc.org](mailto:chris@olcdc.org)]  
**Sent:** Wednesday, June 20, 2018 9:47 AM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Subject:** Re: Ethics Inquiry

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I'm not a member of a City or County Board.

On Fri, Jun 15, 2018 at 2:42 PM, Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)> wrote:

Thanks Chris. Please confirm that you are not a member of a City or County Board.

**From:** Chris Davis [mailto:[chris@olcdc.org](mailto:chris@olcdc.org)]  
**Sent:** Tuesday, June 12, 2018 10:15 AM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Subject:** Re: Ethics Inquiry

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Hey Radia see the below responses to the Ethics Questionnaire. Looking forward to your response.

1) Please describe your job duties and responsibilities at the Opa-locka CDC?

As Community Organizer for the OLCDC I am responsible for coordinating, facilitating, and promoting, grant-funded and neighborhood outreach activities, meetings and programs, as well as organizing resident's, tenants, and businesses to address holistic needs. I am also directly

responsible for data collection and developing tools such as newsletters and monthly reports as outreach mechanisms to residents in the City of Opa-locka. Other duties include grant writing and reporting, data collection and managing projects.

2) What is the relationship, if any, between the Opa-locka CDC and the City of Opa-locka government?

OLCDC serves as a nonprofit partner of the City of Opa-locka. From time to time OLCDC and the City of Opa-locka will partner to accomplish city wide objectives.

3) Is the Opa-locka CDC a City of Opa-locka vendor, contractor, service provider, or consultant?

None of the above.

4) Does the Opa-locka CDC appear before the Opa-locka City Commission?

Yes.

5) Please describe the circumstances under which the CDC may appear before the Opa-locka City Commission?

To provide updates on OLCDC's community initiatives, get approval for various capital projects and community activities.

6) How frequently do they appear before the Opa-locka City Commission?

It varies, approximately 3-5 times per year.

On Mon, Jun 4, 2018 at 10:53 AM, Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)> wrote:

Hey Chris,

Just following up on the below. Happy Monday!

-Radia.

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**From:** Turay, Radia (COE)  
**Sent:** Thursday, May 31, 2018 2:50 PM  
**To:** '[chris@olcdc.org](mailto:chris@olcdc.org)' <[chris@olcdc.org](mailto:chris@olcdc.org)>  
**Subject:** Ethics Inquiry

Hello Chris,

It was great speaking with you a few minutes ago. Please answer the questions below at your earliest convenience:

- 1) Please describe your job duties and responsibilities at the Opa-locka CDC?
- 2) What is the relationship, if any, between the Opa-locka CDC and the City of Opa-locka government?
- 3) Is the Opa-locka CDC a City of Opa-locka vendor, contractor, service provider, or consultant?
- 4) Does the Opa-locka CDC appear before the Opa-locka City Commission?
- 5) Please describe the circumstances under which the CDC may appear before the Opa-locka City Commission?
- 6) How frequently do they appear before the Opa-locka City Commission?

Thanks,

Radia.

**RADIA TURAY**

Staff Attorney

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