

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, August 20, 2018 2:08 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: INQ 18-202, Oliver Gross, Chairman, 79th Street Corridor Community Redevelopment Agency (voting conflict)

INQ 18-202 Gross

From: Turay, Radia (COE)
Sent: Thursday, August 16, 2018 6:43 PM
To: 'oliverg@nudllc.org' <oliverg@nudllc.org>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Smith, Terrence (CAO) <Terrence.Smith@miamidade.gov>
Subject: INQ 18-202, Oliver Gross, Chairman, 79th Street Corridor Community Redevelopment Agency (voting conflict)

Dear Mr. Gross,

You have inquired regarding whether a conflict of interest exists under the County Ethics Code where you the chairman of the 79th Street Corridor Community Redevelopment Agency (CRA), is also director of a non-profit that is responding to an RFP that was issued by the CRA.

Background

- You are the Chairman of the 79th Street Corridor Community Redevelopment Agency (CRA).
- You also serve as an **unpaid director** of the 79th Street Corridor Neighborhood Initiative (The Initiative), a 501(c)3, community based organization.
- The Initiative is separate from the CRA. Its mission is to use a Transit Oriented Development approach, along with existing community assets, to transform 79th Street Corridor neighborhoods into a community of choice for people to live, work and visit. It is led by three local community-based development organizations (the Urban League of Greater Miami, Inc., Neighborhood Housing Services of South Florida, Inc. and DEEDCO.
- The CRA issued an RFP for Economic Development Coordinator Services.
- The Initiative is a possible respondent to the RFQ.
- There is a selection committee that would evaluate the proposals, and make a recommendation to the CRA. While you are not a member of the selection committee, you are chairman of the CRA, which makes the final vote on the entity that would be awarded the contract.

Analysis

CRAs are not always considered to be County boards under the jurisdiction of the Miami-Dade Commission on Ethics. We have consulted with Assistant County Attorney, Terrence Smith, who advised that the 79th Street Corridor Community Redevelopment Agency (CRA) passed a resolution in which they adopted the Miami-Dade Conflict of Interest and Code of Ethics.

Section 2-11.1(v) of the Ethics Ordinance covers potential conflicts of interest for members of County advisory or quasi-judicial boards. The CRA is more of an autonomous board rather than an advisory board or quasi-judicial

board, but since autonomous boards do not have a separate voting conflict provision in the ordinance, we have generally applied 2-11.1(v) to such boards when a voting conflict issue arises.

Under Section 2-11.1(v), for such a board member to have a voting conflict, that member would have to be directly affected by the vote, as well as have a special relationship, such as officer or director, with the entity coming before the agency. While you are a director on the board of The Initiative, a voting conflict would occur for you at the CRA only if you were to be personally affected in a direct way by the vote. Since you are an unpaid director of The Initiative and you have no expectation that a matter will be coming before the board that directly affects you as an individual, it seems unlikely that you would have a legal voting conflict of interest on such a matter under Section 2-11.1(v) of the Ethics Code.

However, it is our understanding that, there may be other respondents to the RFP other than The Initiative. All of the potential respondents would be positioned to compete for the contract before the CRA when the time comes for it to make the final decision as to what entity to award the contract. We see the potential that the fact that you are a director on the board of one of the respondents to the RFP, could raise issues about the fairness of the process and create an appearance of impropriety, as the CRA, of which you are chairman, will have the final vote on the entity that would be awarded the contract. It is therefore our recommendation that the safest route, at this point, may be for you to consider refraining from voting on the item when it comes before the CRA for a final vote on the entity that would be awarded the contract. See INQ 17-69.

Additionally, you should be made aware that, under Section 2-11.1(m)(2) of the Ethics Code, you should not yourself ever appear before your own board to make a presentation on behalf of a third party. Therefore, in the event that a matter should come before the CRA in which The Initiative has an interest or is itself appearing before the CRA, you should not be involved in making any presentation on behalf of The Initiative.

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: oliverg@nudllc.org [<mailto:oliverg@nudllc.org>]
Sent: Monday, August 13, 2018 3:13 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: 79TH STREET CORRIDOR CRA

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No Ma'am.

From: Turay, Radia (COE) [<mailto:Radia.Turay@miamidade.gov>]
Sent: Monday, August 13, 2018 2:16 PM
To: oliverg@nudllc.org
Subject: RE: 79Th STREET CORRIDOR CRA

Mr. Gross,

Are you paid for your position as Director of the 79th Street Corridor Neighborhood Initiative?

From: oliverg@nudllc.org [<mailto:oliverg@nudllc.org>]
Sent: Monday, August 13, 2018 2:05 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: 79Th STREET CORRIDOR CRA

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Yes it is.

Thanks again,

Oliver L. Gross
New Urban Development, LLC
305-696-4450,ext. 202
305-696-4450 (fax)
Oliverg@nudllc.org

From: Turay, Radia (COE) [<mailto:Radia.Turay@miamidade.gov>]
Sent: Monday, August 13, 2018 11:03 AM
To: oliverg@nudllc.org
Subject: RE: 79Th STREET CORRIDOR CRA

Good morning Mr. Gross,

I need to include a description of the 79th Street Initiative in my opinion. Please advise whether the below is The Initiative's official website, so I can use the information provided on the website in my opinion:

<http://79thstreet.org>

Thanks,
Radia.

From: oliverg@nudllc.org [<mailto:oliverg@nudllc.org>]
Sent: Friday, August 10, 2018 6:27 PM

To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>

Subject: Re: 79Th STREET CORRIDOR CRA

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Thank you Radia

Sent from my iPhone

On Aug 10, 2018, at 3:05 PM, Turay, Radia (COE) <Radia.Turay@miamidade.gov> wrote:

Hello Mr. Gross,

I tried calling you early this week and today on the responses below and left messages. I need to better understand the question. Do you need just general guidelines or training on the ethics code that we give to County board members? Or, is it that an organization that you are affiliated to is responding to the RFP so you want to know what you can or cannot do as chairman of the 79th Street Corridor Neighborhood Initiative? I look forward to receiving your response.

Thanks,
Radia.

From: oliverg@nudllc.org [<mailto:oliverg@nudllc.org>]

Sent: Tuesday, August 07, 2018 6:07 PM

To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>

Subject: RE: 79Th STREET CORRIDOR CRA

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Radia,

Please see my responses below.

Thanks

From: Turay, Radia (COE) [<mailto:Radia.Turay@miamidade.gov>]

Sent: Tuesday, August 07, 2018 4:41 PM

To: oliverg@nudllc.org

Subject: RE: 79Th STREET CORRIDOR CRA

Hello Mr. Gross,

In order to further assist you, please provide responses to the following questions:

- 1) What is "The Initiative"? 79th Street Corridor Neighborhood Initiative, a local community based organization (501C3)
- 2) What is your relationship (employee, officer, director, shareholder, etc) to "the Initiative"?
Director

- 3) As this is an RFP, would there be a selection committee? **Yes**
- 4) Are you on the selection committee? **NO**
- 5) After the selection committee process would this contract be subject to a vote by a board on which you serve? **Yes**

Thanks,
Radia.

From: oliverg@nudllc.org [<mailto:oliverg@nudllc.org>]
Sent: Tuesday, July 17, 2018 2:44 PM
To: radia.turey@miamidade.gov; Ethics (COE) <ethics@miamidade.gov>
Cc: Smith, Terrence (CAO) <Terrence.Smith@miamidade.gov>; Fernandez, Jorge (OMB) <jjorge@miamidade.gov>; Graham, Chimene (OMB) <Chimene.Graham@miamidade.gov>
Subject: 79Th STREET CORRIDOR CRA

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Dear Mr. Centorino,

My name is Oliver L. Gross and I currently serve as chairman of the NW 79th Street Corridor CRA. Additionally, I also currently serve as the chairman of the 79th Street Corridor Neighborhood Initiative, a CBO that focuses on community development and revitalization issues within the CRA footprint.

Currently, The CRA has issued an RFP for Economic Development Coordinator Services and "The Initiative" is a possible respondent to the RFP. I'm hereby requesting an opinion and guidance as to what should /shouldn't be my involvement in this process.

Thanks in advance for your guidance and I can be reached at the below contact information.

Oliver L. Gross
New Urban Development, LLC
305-696-4450, ext. 202
305-696-4450 (fax)
Oliverg@nudllc.org